

CARLOS URESTI

June 11, 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)
Plaintiff,)
VS.)
ERIC H. HOLDER, JR. in his)
official capacity as Attorney)
General of the United States,)
Defendant,)
ERIC KENNIE, et al,)
Defendant-Intervenors,)
TEXAS STATE CONFERENCE OF) CASE NO. 1:12-CV-00128
NAACP BRANCHES,) (RMC-DST-RLW)
Defendant-Intervenors,) Three-Judge Court
TEXAS LEAGUE OF YOUNG VOTERS)
EDUCATION FUND, et al,)
Defendant-Intervenors,)
TEXAS LEGISLATIVE BLACK)
CAUCUS, et al,)
Defendant-Intervenors,)
VICTORIA RODRIGUEZ, et al.,)
Defendant-Intervenors.)

ORAL DEPOSITION OF
SENATOR CARLOS URESTI
JUNE 11, 2012

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1 ORAL DEPOSITION OF SENATOR CARLOS URESTI, produced
2 as a witness at the instance of the Defendant, was duly
3 sworn, was taken in the above-styled and numbered cause
4 on the JUNE 11, 2012, from 9:36 a.m. to 1:15 p.m.,
5 before Chris Carpenter, CSR, in and for the State of
6 Texas, reported by machine shorthand, at the offices of
7 The Attorney General of Texas, 209 West 14th Street, 1st
8 Floor Conference Room, Austin, Texas 78701, pursuant to
9 the Federal Rules of Civil Procedure and the provisions
10 stated on the record or attached hereto.

FOR THE DEPOENENT:
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1	SENATOR CARLOS URESTI, having been first duly sworn to testify the truth, the whole truth, and nothing but the truth, testified as follows:	6
2	EXAMINATION	
3	BY MR. FREDERICK:	
4	Q. Good morning. Would you please state your full name for the record?	
5	A. Sure. Carlos I. Uresti.	
6	Q. Thank you. And Senator Uresti, are you suffering from an illness or any other condition today that might prevent you from accurately answering my questions?	
7	A. No, sir.	
8	Q. What is your occupation?	
9	A. I'm an attorney.	
10	Q. And you are a member of the Texas Senate; is that right?	
11	A. Yes, sir.	
12	Q. Which district do you represent in the Senate?	
13	A. 19th.	
14	Q. Can you describe that district, geographically, just generally for me, please?	
15	A. Sure. District 19 is approximately 50,000 square miles. It starts from the southeast part of	
16	Bexar County, the southeast side of San Antonio, and it stretches all the way to El Paso. It also includes two-thirds of the Texas-Mexico border. It includes all or part of 23 counties. It includes 62 school districts. It's larger than approximately 20 states or so and about 118 countries and two planets. It's a big district.	
17	Q. Senator Uresti, are you asserting legislative privilege in this case over matters related to Senate Bill 14?	
18	(Conferring with Mr. Maldanado.)	
19	A. No, sir, I'm not.	
20	Q. I know you said you're a lawyer. Have you actually been deposed before?	
21	A. Actually, I think this is the first time I've ever been deposed in 20 years.	
22	Q. Okay. I won't belabor the ground rules, but I'll go through them very quickly just to remind you.	
23	The most important is just to answer audibly so the court reporter can hear. So instead of nodding your head or shaking your head, if you could say yes or no, that will help our court reporter.	
24	And if you don't understand a question I ask, please don't hesitate to ask me to rephrase. I'll be happy to do so. Do you understand?	
25		
1	A. Yes, sir.	8
2	Q. And again, to make the court reporter's job easier, if you could just wait until I finish asking a question to start your answer, that will avoid us talking over each other. And likewise, I will do my best not to start a new question while you're still answering. Do you understand that?	
3	A. Yes, sir.	
4	Q. Now, your lawyer may object to some of my questions. If he does, unless he instructs you not to answer, you can still answer my question. Do you understand that?	
5	A. Yes, sir.	
6	Q. Thank you, sir. And you are represented by counsel today; is that right?	
7	A. Yes, sir. I'm represented by Bobby Maldanado.	
8	Q. Great. Thank you.	
9	Senator Uresti, what did you do to prepare for your deposition today?	
10	A. About the only thing I did was read my affidavit that I had submitted a couple of months ago, and generally reviewed the timeline of the amendments, et cetera, that were filed on the bill.	
11	Q. Did you meet with anyone to discuss your deposition today?	



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1 A. Just my attorney. 2 Q. How many times did you meet with your attorney 3 to discuss your deposition? 4 A. Once. 5 Q. About how long did that meeting last? 6 A. About an hour and a half. 7 Q. Was anybody else at the -- at your meeting with 8 your attorney? 9 A. No, sir. 10 Q. Other than the affidavit you submitted and the 11 timeline of the bill and amendments, did you review any 12 other documents to prepare for your deposition today? 13 A. Not that I can recall. 14 Q. Did you bring any documents with you today? 15 A. No, sir. 16 Q. Are you currently registered to vote? 17 A. Yes, sir. 18 Q. Do you have a current Texas driver's license? 19 A. Yes, sir. 20 Q. Do you have a concealed handgun license? 21 A. No, sir. 22 Q. Do you have a passport? 23 A. Yes, sir. 24 Q. Are there any other members of your household 25 who are of voting age?	9	1 A. Yes. 2 Q. What town do they live in? 3 A. Both of them live in San Antonio. 4 Q. All right. Do you know if either of your sons 5 has a concealed handgun license? 6 A. My youngest son does. I believe he does. 7 Q. And that's Michael? 8 A. No, Carlos. 9 Q. Oh, Carlos. 10 A. Junior. He just got out of the Marine Corps. 11 Q. Oh, okay. Did your other son serve in the 12 military? 13 A. No, sir. 14 Q. Are you aware of whether or not your younger 15 son has a military ID? 16 A. I believe he does, but I don't know if it has a 17 photo on it or not. 18 Q. I want to talk about Senate Bill 14, and I'm 19 sure you remember, but just to make clear, when I talk 20 about Senate Bill 14, I refer to the photo voter ID that 21 was passed by the legislature in the 2011 session. 22 A. Yes, sir. 23 Q. Did you speak with any lobbyists about Senate 24 Bill 14? 25 A. I really don't remember speaking to any	11
1 A. Yes, sir. 2 Q. And who are they? 3 A. Well, I guess let me make sure I understand the 4 question. Are you talking about my immediate family? 5 Q. Correct, yes. 6 A. Well, I'm single, and my children are both 7 adults. 8 Q. Okay. Are your children registered to vote? 9 A. Yes, sir. 10 Q. Do your children have current Texas drivers' 11 licenses? 12 A. I don't know. 13 Q. Do you know if your children have a passport? 14 A. They did when they were minors, but I don't 15 think those passports are valid anymore. 16 Q. Okay. 17 A. But I don't know. 18 Q. How many children do you have? 19 A. I have two young boys, two young adult boys. 20 Q. How old are they? 21 A. 29 and 26. 22 Q. And what are their names? 23 A. The oldest is Michael C. Uresti, and my 24 youngest is Carlos A. Uresti, Jr. 25 Q. Do your sons live in Texas?	10	1 A. lobbyists about it. I'm not saying I didn't, but I 2 don't recall speaking to a lobbyist. 3 Q. Do you recall whether you spoke to any 4 representative of an organization outside the Texas 5 legislature about Senate Bill 14? 6 A. I don't recall speaking to anybody outside the 7 legislature. 8 Q. Do you recall speaking to anybody outside the 9 legislature about any of the prior voter ID bills 10 considered in either 2005, 2007 or 2009? 11 A. I don't recall, other than the Department of 12 Justice, but... 13 Q. And you spoke to the Department of Justice at 14 some point about Senate Bill 14; is that right? 15 A. That's correct. 16 Q. Did you speak to the Department of Justice 17 about any of the previous voter ID bills considered by 18 the legislature? 19 A. In preparing my affidavit, I did. 20 Q. And when was that? 21 A. A couple of months ago. 22 Q. Okay. So this was either during or after the 23 2011 session? 24 A. It was after. 25 Q. Okay. Do you recall ever speaking to the	12



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1 Department of Justice about voter ID before the 2011 2 session? 3 A. I did not speak to them before. 4 Q. Do you recall whether you received any 5 materials on voter ID legislation from anyone outside 6 the Texas Legislature during the 2011 session? 7 A. I don't recall. I'm not going to say we 8 didn't. Our office gets, as you know, a lot of 9 different information. But specifically, I don't 10 recall. 11 Q. About how many bills get considered during a 12 single legislative session? 13 A. Well, generally, I know approximately 5,000 14 bills are filed every session, and then you have the 15 substitutes to those bills. And then, of course, you 16 have amendments and then amendments of amendments. So 17 you're talking about literally thousands of pieces of 18 legislation, and a result, thousands of different 19 information coming in on those different bills. 20 Q. Okay. So I imagine there are at least some 21 groups interested in most, if not all, of those -- of 22 those bills that get filed? 23 A. Sure. 24 Q. Do you recall -- do you recall whether you got 25 any material from a group outside the legislature on	13	1 A. Yes, sir. 2 Q. Did the Senate Hispanic Caucus provide its 3 members with any materials on SB 14 during the 2011 4 session? 5 A. I don't recall. I don't think we did, but I'm 6 not positive. 7 Q. Does the Senate Hispanic Caucus have a chair or 8 a president? 9 A. I'm the chairman of the caucus. 10 Q. Okay. Have you talked to any of your 11 constituents about a photo ID requirement for voting? 12 A. Yes, sir. 13 Q. Do you have an idea about how many constituents 14 you have talked to about photo voter ID? 15 A. Well, I speak to them, I guess, generally in 16 groups. 17 Q. Uh-huh. 18 A. And then individually as well. So I mean, I 19 would be guessing. It could be hundreds. It could be 20 in the thousands. Again, I'm just guessing, because 21 over the several years, I've spoken to literally 22 thousands of people, but not necessarily specifically 23 about the voter ID bill, but... So it's a guess. I've 24 spoken to a lot of people. 25 Q. Okay. So you give a lot of addresses or	15
1 Senate Bill 362 in 2009 or any of the previous voter ID 2 bills considered by the legislature? 3 A. I don't remember. 4 Q. Is there a Senate Democratic Caucus group? 5 A. Yes, there is. 6 Q. And you are a Democrat, right? 7 A. Of course. 8 Q. Okay. So you're a member of the Democratic 9 Caucus? 10 A. Yes. 11 Q. Do you recall whether the Democratic Caucus 12 provided any materials to its members about SB 14 during 13 the 2011 session? 14 A. I don't recall. 15 Q. Are you also a member of the Mexican American 16 Legislative Caucus? 17 A. No, sir. I'm the chairman of the Senate 18 Hispanic Caucus, so we have our own -- the Senate has 19 their own caucus besides -- separate from the House 20 caucus. 21 Q. Because the Mexican American Legislative Caucus 22 is the House; is that right? 23 A. Yes, sir. 24 Q. Okay. And its the Senate Hispanic Caucus; is 25 that right?	14	1 speeches or talks to groups of constituents? 2 A. Yes, sir. 3 Q. And it's possible that a talk might include 4 several topics? Is that right? 5 A. Yes, sir. 6 Q. Do you recall whether you've gotten e-mails or 7 letters from your constituents about either SB 14 or 8 generally photo voter ID? 9 A. Yes, sir, we have. 10 Q. Do you have a ballpark estimate of how many 11 letters or e-mails you have gotten about SB 14 or photo 12 voter ID? 13 A. Again, I would be guessing. Over the years, we 14 literally get, on an average, 3-, 4-, 500 e-mails a day, 15 not on voter ID, but you talk about -- you know, you can 16 pick an issue, so you multiply that out. So I couldn't 17 even guess at that answer. 18 Q. Is there a dedicated e-mail address for 19 constituent correspondence in your office? 20 A. Yes, sir. 21 Q. Is that an official state legislative account? 22 A. Yes, sir. It's my Senate e-mail address. 23 Q. Is that -- in your experience, is that where 24 constituent e-mails go? 25 A. Yes, sir.	16



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<p>1 Q. Do you ever get constituent e-mails to another 2 e-mail account?</p> <p>3 A. That's the only one we have set up. Now, it 4 may go to my staff as well. But I believe 99 percent of 5 constituent e-mails, at least the initial e-mail, will 6 come to Carlos.Uresti@senate.state.tx.us.</p> <p>7 Q. To the extent that you can recall, and 8 understanding that you have a lot of communication with 9 constituents, do any of your constituents support a 10 requirement of photo voter ID for voting?</p> <p>11 A. I believe there is probably some that do.</p> <p>12 Q. And do any of your constituents, to your 13 knowledge, oppose a photo ID requirement for voting?</p> <p>14 A. Yes, sir. I believe there's many that do as 15 well.</p> <p>16 Q. Would you say that most of your constituents 17 support a photo voter ID requirement for voting?</p> <p>18 A. No, sir.</p> <p>19 Q. Would you say that most of your constituents 20 oppose a photo ID requirement for voting?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Again, understanding that you have a lot of 23 constituent communications, do you have an estimate of 24 what percentage of your constituents support or oppose 25 photo voter ID requirements for voting?</p>	17	<p>1 for you?</p> <p>2 A. Not that I believe.</p> <p>3 Q. Did anyone else prepare talking points for you 4 about the previous bill, SB 362?</p> <p>5 A. Not that I -- not that I know of, no.</p> <p>6 Q. Did you conduct any studies about the potential 7 impact of Senate Bill 14?</p> <p>8 A. No, sir. Not individually, no.</p> <p>9 Q. Did your staff conduct any studies about the 10 potential impact of SB 14?</p> <p>11 A. No, sir.</p> <p>12 Q. And Senate Bill 362, to the best of your 13 recollection, did you or your staff conduct any studies 14 about the potential impact of SB 362?</p> <p>15 A. No, sir.</p> <p>16 Q. Did you review any studies about the potential 17 impact of SB 14?</p> <p>18 A. I think we -- I recall vaguely reviewing 19 studies of other voter ID bills, but not once this bill 20 was passed. If that's your question. In other words, 21 did I review a study after Senate Bill 14 was passed? 22 No. Have I reviewed studies of similar pieces of 23 legislation and the effects it would have on minority 24 districts and constituents, yes, I have.</p> <p>25 Q. Did you review any studies or projections about</p>	19
<p>1 A. Well, if you want me to guess, 75 percent of 2 them.</p> <p>3 Q. Okay. And is that an estimate just based on 4 communications, either oral or written, by e-mail or 5 letter?</p> <p>6 A. Most of them would be my interactions with 7 folks once they understand the bill. I think, again, 8 generally speaking, 75 percent would say -- would oppose 9 it.</p> <p>10 Q. Did you prepare any talking points on SB 14 for 11 either a committee proceeding or a Floor debate?</p> <p>12 A. Yes, sir.</p> <p>13 Q. To the extent you can recall, did you prepare 14 talking points for the previous photo ID bill, SB 362?</p> <p>15 A. I'm pretty sure we did. Knowing how diligent 16 my staff is, I'm pretty sure we had those prepared.</p> <p>17 Q. Is it typically your staff that prepares 18 talking points about specific legislation?</p> <p>19 A. Generally, they'll draft them, and I'll refine 20 my points.</p> <p>21 Q. To the best of your recollection, was it your 22 staff and yourself that prepared talking points for you 23 about SB 14?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Did anyone else prepare talking points on SB 14</p>	18	<p>1 the specific impact of Senate Bill 14 on Texas voters, 2 either after or before it passed?</p> <p>3 A. Well, again, it wasn't specific to Senate Bill 4 14, because we didn't know what the final form of the 5 bill would be. But generally, similar legislation, yes, 6 I do recall reviewing some studies about how similar 7 legislation would affect my district in Texas.</p> <p>8 Q. Do you recall any of the specific studies that 9 you reviewed?</p> <p>10 A. No, sir.</p> <p>11 Q. And when you say similar legislation, was that 12 legislation that had been considered or passed by other 13 states?</p> <p>14 A. Either that, or it was other states -- when the 15 bill was being presented, it would be represented that 16 other states had passed similar legislation.</p> <p>17 Q. Do you recall seeing or reviewing any studies 18 about Indiana's photo voter ID law?</p> <p>19 A. I don't recall.</p> <p>20 Q. Do you recall seeing or reviewing any studies 21 about Georgia's photo voter ID law?</p> <p>22 A. Vaguely. You remember, it's been a couple of 23 years, and -- about a year and a half, I guess. But 24 vaguely.</p> <p>25 Q. Do you recall generally what the substance of</p>	20



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<p>1 that study was about the Georgia law?</p> <p>2 A. No, sir.</p> <p>3 Q. Before the 2011 session, do you recall seeing</p> <p>4 any studies about the potential impact of Senate Bill</p> <p>5 362 on Texas voters?</p> <p>6 A. Vaguely.</p> <p>7 Q. Do you recall any of the specific studies that</p> <p>8 you reviewed?</p> <p>9 A. No, sir.</p> <p>10 Q. Do you recall if any were actually specific to</p> <p>11 Texas?</p> <p>12 A. No, sir.</p> <p>13 Q. Have you seen any studies on the impact of</p> <p>14 voter ID laws generally on voter turnout?</p> <p>15 A. Not that I can recall.</p> <p>16 Q. So you mentioned a few minutes ago that you had</p> <p>17 spoken with someone at the Department of Justice about</p> <p>18 Senate Bill 14; is that right?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Do you recall who you spoke with at the</p> <p>21 Department of Justice about SB 14?</p> <p>22 A. Bruce Geary.</p> <p>23 Q. Bruce Gear?</p> <p>24 A. Gear.</p> <p>25 Q. Was there anyone else at the Department of</p>	21	<p>1 A. Yes, sir.</p> <p>2 Q. Are you aware that that happened on March 12,</p> <p>3 2012?</p> <p>4 A. No, sir.</p> <p>5 Q. So you wouldn't be able to say whether or not</p> <p>6 you spoke to the Department of Justice before or after</p> <p>7 preclearance was denied?</p> <p>8 A. No, sir.</p> <p>9 Q. Has the Department of Justice asked you to do</p> <p>10 anything else in this lawsuit besides provide a</p> <p>11 declaration or affidavit?</p> <p>12 A. No, sir.</p> <p>13 Q. Senator, are you -- are you familiar with</p> <p>14 Section 5 of the Voting Rights Act?</p> <p>15 A. Generally.</p> <p>16 Q. What's your understanding, just very generally,</p> <p>17 of Section 5?</p> <p>18 A. Generally, due to the state of Texas's history</p> <p>19 over the last several decades with regard to a</p> <p>20 discriminatory effect on voters, based on its laws and</p> <p>21 its policies, that before certain laws can go into</p> <p>22 effect, it has -- those laws have to be precleared by</p> <p>23 the Department of Justice to ensure that voters aren't</p> <p>24 disenfranchised and they continue to have the ability to</p> <p>25 vote.</p>	23
<p>1 Justice that you spoke to?</p> <p>2 A. No, sir.</p> <p>3 Q. Did you send any letters or e-mails to the</p> <p>4 Department of Justice about SB 14?</p> <p>5 A. No, sir.</p> <p>6 Q. Did you provide any information to the</p> <p>7 Department of Justice about SB 14?</p> <p>8 A. Just the affidavit.</p> <p>9 Q. Did the Department of Justice ask you to</p> <p>10 provide testimony in this lawsuit?</p> <p>11 A. Not that I can recall.</p> <p>12 Q. Did the Department of Justice ask you to</p> <p>13 provide a declaration or affidavit in this lawsuit?</p> <p>14 A. Just an affidavit.</p> <p>15 Q. Do you recall, roughly, when the Department of</p> <p>16 Justice asked you to provide an affidavit in this</p> <p>17 lawsuit?</p> <p>18 A. February or March, I think, 2012, of this</p> <p>19 year. I believe that's the time frame.</p> <p>20 Q. Are you aware that the Department of Justice</p> <p>21 sent a letter to the State of Texas, on March 12, 2012,</p> <p>22 interposing an objection or refusing to preclear SB 14?</p> <p>23 A. I'm not aware of the letter.</p> <p>24 Q. Are you aware that the preclearance was denied</p> <p>25 of SB 14?</p>	22	<p>1 Q. And is it your understanding that under</p> <p>2 Section 5, the inquiry goes to whether a particular law</p> <p>3 has a discriminatory effect or a discriminatory purpose?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. I want to talk briefly about the effect</p> <p>6 of that specific to SB 14.</p> <p>7 Do you contend that Senate Bill 14 will</p> <p>8 have the effect of denying or abridging African American</p> <p>9 Texans' right to vote?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What is the basis for that contention?</p> <p>12 A. Well, the strict requirements that are in the</p> <p>13 bill that require all voters to have a photo ID, in</p> <p>14 addition to their voter's registration card, which I</p> <p>15 believe is a -- can be -- especially speaking about my</p> <p>16 district, there will be many obstacles in the way of my</p> <p>17 constituents obtaining that photo ID in a timely fashion</p> <p>18 in order to vote, and as a result, it will have that</p> <p>19 effect.</p> <p>20 Q. Do you know, roughly speaking, what percentage</p> <p>21 of your constituents are African American, Hispanic,</p> <p>22 Anglo, and Asian American?</p> <p>23 A. Yes, sir. Approximately -- of the 800,000 or</p> <p>24 so folks that I represent, approximately 69 to 69 and a</p> <p>25 half percent are Hispanic. Approximately 5 to 5 and a</p>	24



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1 half percent are African American. Maybe less than 1 2 percent are Asian American. And then the balance would 3 be Anglo. 4 Q. And so your contention that Senate Bill 14 will 5 have the effect of denying or abridging African American 6 voters' right to vote, is the contention basically that 7 requiring a photo ID will harm African American voters' 8 right to vote because they may not have the ID that's 9 required? 10 A. Exactly. 11 Q. Okay. Is there any other specific way or any 12 other way that you contend that SB 14 will have a 13 negative impact on African American voters? 14 A. Well, I think an additional way will be the 15 fact that it may disenfranchise African Americans from 16 voting, based on their long history of having to 17 overcome civil rights violations. And during all of the 18 things that they've had to go through, I believe that 19 this will disenfranchise them -- disenfranchise them 20 once again based on, perhaps, some of the fear that 21 still exists in African Americans and many of those that 22 live in my district. Their distrust perhaps, and the 23 intimidation as well. So I believe because of that, 24 that they may feel that intimidation and fear and 25 distrust, and as a result be disenfranchised and not go	25	1 believe so. 2 Q. Do you contend that Senate Bill 14 will have 3 the effect of denying or abridging Latino Texans' right 4 to vote? 5 A. Absolutely. 6 Q. And can you explain to me what the basis for 7 that contention is? 8 A. Well, again, speaking specifically of my 9 district, first of all, wherein it's almost 70 percent 10 Hispanic, many of my residents live along the border. 11 Again, I represent two-thirds of the Texas-Mexico 12 border. Many already do not have a valid ID for 13 different reasons, even though they are American 14 citizens. Once again, I believe the effect of this bill 15 will be to disenfranchise them or to prevent barriers or 16 obstacles keeping them from being able to exercise their 17 constitutional right to vote. 18 Q. And in your understanding, the barrier or 19 obstacle caused by SB 14 would be the requirement that 20 they have to have -- that if they don't have one of the 21 specific forms of ID, they will not be allowed to cast a 22 ballot; is that right? 23 A. Absolutely. That would have been the case with 24 my mother, for example. She had a voter's registration 25 card. She was a American citizen born in Texas, hadn't	27
1 to the voting booth. 2 Q. When you say intimidation, is there -- what is 3 it in SB 14 that you understand would intimidate or 4 deter African American voters from voting? 5 A. The fact that they have to go, for one, to the 6 Department of Public Safety to get a photo ID. Many of 7 them may not drive. Many of them may be elderly and 8 have gone through Civil Rights Movement. They may be in 9 their 70 or 80s. So that fear that may still exist, 10 perhaps. I think that could be intimidating. And 11 knowing that they're going to have to overcome those 12 obstacles, coupled with the fact the fee or the travel, 13 you know, et cetera, all of those factors, either 14 individually or together, I think will lend itself to 15 some intimidation amongst African American voters. 16 Q. So is it accurate to say that in your 17 understanding, the negative effects that may -- that may 18 occur with respect to African American voters are all 19 based on this requirement that they have to either show 20 or get a specific form of ID that they may not have 21 already? 22 A. Exactly, especially given the fact that they 23 already have a voter's registration card, that they're 24 going to be required to go and obtain an additional form 25 of identity, specifically a photograph ID, yes, I	26	1 driven in many years because of her health, and she 2 would not be able to vote with this -- if this bill goes 3 into effect because she can't get to the DPS office to 4 get a photo ID. 5 Q. How old is your mother? 6 A. She passed away last November. She was 77. 7 Q. Oh, I'm sorry. 8 Do you believe that SB 14, if it -- if it 9 is implemented, will have the effect of preventing or 10 deterring indigent Texans from voting? 11 A. There's no question it will. 12 Q. And is -- can you briefly explain the basis for 13 that? 14 A. Well, for one, the cost of obtaining the ID. 15 Two, again, keeping in mind that in my district, it's -- 16 you know, there are some folks that may live in Kinney 17 County, for example, which is in between Eagle Pass 18 and -- or Uvalde and Del Rio. To travel to a DPS office 19 could take an hour, an hour and a half one way. That's 20 assuming there's a DPS office that's open. And if 21 you're indigent, most likely, you don't have a vehicle. 22 There's no infrastructure wherein you can just hop on a 23 bus and travel there. And if you do, hopefully you'll 24 get there before the lines are too long and/or before 25 the DPS office has closed. So there is no question for	28



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<p>1 anyone to think that this bill will not affect the 2 indigent. They need to come out to my district and talk 3 to those folks.</p> <p>4 Q. Do you have a general idea of what percentage 5 of your constituents are indigent?</p> <p>6 A. Well, I can tell you that -- I don't know the 7 exact number, but a large number of my constituents 8 either live in poverty or are on the border of living in 9 poverty, where the average -- the average per capita 10 income for my district is \$12,500 per year. So it's a 11 huge number. When you go along the border, the poverty 12 rates are much bigger than they are than in other parts 13 of Texas.</p> <p>14 Q. Do you believe that SB 14 will negatively 15 effect Asian Americans voters' right to vote in Texas?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Can you tell me the basis for that contention?</p> <p>18 A. Well, for the same reasons that I've already 19 mentioned how I think it will effect African Americans 20 and Hispanics as well. You know, the whole idea of 21 requiring them to obtain an additional form of ID, photo 22 ID, in addition to their voter's registration card, I 23 think imposes conditions upon them that aren't 24 necessary, and given the fact that many of the folks 25 that live in my district live in poverty or are very</p>	29	<p>1 Q. I want to move on to a similar but slightly 2 different area and talk about possession of photo IDs. 3 Do you believe that African American 4 voters in Texas are less likely than average to have one 5 of the IDs required by SB 14?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Do you believe that Latino voters in Texas are 8 less likely than average to have a form of 9 identification required by SB 14?</p> <p>10 A. Yes, sir.</p> <p>11 Q. Do you believe that Asian American voters in 12 Texas are less likely to have a form of identification 13 required by SB 14?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Do you believe that elderly voters in Texas are 16 less likely than average to have one of the IDs required 17 by SB 14?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And do you believe that indigent voters are 20 less likely than average, indigent voters of Texas are 21 less likely than average to have one of the IDs required 22 by SB 14?</p> <p>23 A. Absolutely.</p> <p>24 Q. Do you believe that disabled voters in Texas 25 are less likely than average to have one of the IDs</p>	31
<p>1 poor, it's just a burden that they're -- it's going to 2 be difficult for them to overcome. And that goes to 3 basically most folks that live in my district, and I 4 would submit throughout Texas as well.</p> <p>5 Q. Do you believe that SB 14 will have a negative 6 effect on Anglo voters in your district?</p> <p>7 A. Absolutely.</p> <p>8 Q. And is that for the same reason we've talked 9 about, why it will affect other voters in your district?</p> <p>10 A. Well, I think more so because of the indigency 11 issue or the poverty issue as well. You know, if 12 you've ever driven to Presidio, you know that that's a 13 long way from Austin or to any DPS office. And because 14 of that fact, the geographical issue, coupled with the 15 indigency issue, the fact that they're poor, will make 16 it very difficult.</p> <p>17 Q. Are you familiar with any polls about support 18 for voter photo ID legislation among Texans?</p> <p>19 A. I don't follow polls generally, so, no, I 20 don't. I'm not.</p> <p>21 Q. Do you recall any polls being introduced or 22 discussed during the legislative debate about SB 14?</p> <p>23 A. Generally, there were -- I know somebody who 24 made reference to a poll, but I couldn't tell you the 25 specifics of that poll.</p>	30	<p>1 required by SB 14?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Do you believe that voters in rural areas are 4 less likely than average -- rural areas of Texas are 5 less likely than average to have one of the IDs required 6 by SB 14?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you believe that voters who lack a high 9 school diploma are less likely than average to have a 10 form of identification required by SB 14?</p> <p>11 A. Most likely, yes.</p> <p>12 Q. And we've talked a little bit about the 13 requirement of actually getting an ID. If somebody 14 doesn't have one, do you believe that an indigent voter 15 in Texas is less likely than a nonindigent voter to be 16 able to get one of the forms of ID required by SB 14?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you believe that elderly voters are in Texas 19 are less likely than nonelderly voters to be able to 20 obtain one of the IDs required by SB 14?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Do you believe that disabled voters in Texas 23 are less likely than voters who are not disabled to be 24 able to obtain one of the IDs required by SB 14?</p> <p>25 A. Yes, sir.</p>	32



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<p>1 Q. Do you believe that voters in rural areas of 2 Texas are less likely than urban or suburban voters to 3 be able to obtain a form of identification required by 4 SB 14?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Do you believe that young voters in Texas are 7 less likely than average to have one of the IDs required 8 by SB 14?</p> <p>9 A. I believe so, yes.</p> <p>10 Q. And similarly, do you believe that young voters 11 in Texas are less likely than average to be able to 12 obtain one of the forms of ID required by SB 14?</p> <p>13 A. Yes, sir.</p> <p>14 Q. I want to move on to talk about -- talk about 15 discriminatory purpose for a little bit.</p> <p>16 Do you contend that the Texas Legislature 17 intended to harm African American voters by passing 18 SB 14?</p> <p>19 A. Not the whole legislature, no.</p> <p>20 Q. Do you contend that certain legislators voted 21 in favor of Senate Bill 14 for the specific purpose of 22 harming African American voters?</p> <p>23 A. I contend that the bill was passed for that 24 purpose.</p> <p>25 Q. Do you contend that that was the purpose of the</p>	33	<p>1 legislature passed that bill.</p> <p>2 Q. With respect to the legislators who supported 3 and voted for Senate Bill 14, do you contend that -- do 4 you contend that the legislators who voted for Senate 5 Bill 14 did so for the purpose of harming African 6 American Texans' ability to vote?</p> <p>7 A. Well, I certainly think that they knew after -- 8 by that time that the bill came up for a vote, based on 9 my objections and some of my colleagues' objections, our 10 concern about how this bill would affect our 11 constituents, I think at that point, if they weren't on 12 notice beforehand, they certainly were on notice at that 13 time.</p> <p>14 Q. Do you believe that -- do you believe that the 15 Texas Legislature intended to harm Latino voters by 16 enacting SB 14?</p> <p>17 A. Well, again, I can't tell you that the 18 legislature did that, because many voted against it. 19 So I can't say as a whole the legislature passed -- 20 intended to do that, because I voted against it, and 21 again, many of my colleagues voted against it.</p> <p>22 Q. I understand. Do you contend that the members 23 of the Texas Legislature who voted for SB 14 voted for 24 the bill in order to harm Latino voters in Texas?</p> <p>25 A. And again, I believe that they may not have</p>	35
<p>1 legislature -- back up a bit.</p> <p>2 Do you contend that the legislature as a 3 whole passed Senate Bill 14 for the purpose of harming 4 African American voters in Texas?</p> <p>5 A. Not as a whole, no.</p> <p>6 Q. Okay. But you believe that maybe part of the 7 legislature, or certain legislators supported SB 14 for 8 the purpose of harming African American voters?</p> <p>9 A. Well, I can't say that the legislators did that 10 purposefully. I just know that my position, my 11 contention is, is that the bill had that effect.</p> <p>12 Q. Your contention is that SB 14 had the effect of 13 harming African American voters' ability to vote?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. but you don't contend that the bill was 16 passed for the purpose of harming African American 17 voters' ability to vote?</p> <p>18 A. No, I do contend that. Yes, I do contend that.</p> <p>19 Q. But you don't contend that that was the purpose 20 of the legislature of the whole to harm African American 21 voters?</p> <p>22 A. Well, I can't say as a whole, because I didn't 23 vote for the bill, and I know many of my colleagues, at 24 least my Democratic colleagues didn't vote for the 25 bill. And that's why I can't say as a whole the</p>	34	<p>1 been some of their intent initially, but the -- I 2 believe when the bill passed, that was the intent of the 3 bill.</p> <p>4 Q. Okay. So just to be clear, it's your 5 contention that the legislators who voted in favor of 6 SB 14 did so for the purpose of harming the ability of 7 African American and Hispanic Texans to vote?</p> <p>8 A. Well, I think clearly the bill that was passed 9 had that effect. That's my contention is, the bill that 10 was passed had that effect and they were -- they were 11 the members that voted for that bill.</p> <p>12 Q. Do you believe that any individual member of 13 the legislature who voted for SB 14 voted for the bill 14 specifically because they thought that it would 15 negatively affect Latino and African American voters and 16 they wanted it to have that effect?</p> <p>17 A. I can't say that for certain, no.</p> <p>18 Q. Can you identify any particular legislator who 19 supported SB 14 who you would contend supported the bill 20 in order to harm the voting rights of African American 21 or Hispanic Texans?</p> <p>22 A. I can't individually, because I don't know what 23 they were thinking. But again, I would just submit that 24 they had to know of the effects of the bill, because we 25 made that clear to them, either on the Senate floor and</p>	36



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<p>1 I'm assuming on the House floor, the effects the bill 2 would have on our specific districts. 3 Q. To your knowledge, is there -- do you know of 4 any evidence that any member of the Texas Legislature 5 who voted for SB 14 did so because they understood that 6 the bill would negatively affect African American and 7 Latino voters and they wanted it to have that effect? 8 A. I guess the only evidence would be the 9 testimony from the legislators, like myself, advising 10 them that this bill would have a negative effect on our 11 districts and our constituency. 12 Q. So other than -- other than knowledge or 13 presumed knowledge of the effect of the bill, is there 14 any other basis for your contention that members of the 15 legislature voted for SB 14 for the purpose of harming 16 African American or Latino voters? 17 A. Well, other than the knowledge given to them by 18 their colleagues and myself, I don't know of any other 19 evidence that exists. I mean, it's on the record. I 20 believe it's probably in the journal. I don't know what 21 other knowledge they would need. 22 Q. And I understand that there was a lot of 23 testimony from several members of the legislature about 24 the potential effect of the bill. Do you think it's 25 possible that some of the members who supported SB 14</p>	37	<p>1 believed that those effects would happen, can you? 2 A. Oh, of course not. I can't -- 3 MR. GARZA: Objection, argumentative and 4 asked and answered. You can go ahead and answer. 5 A. Yeah, of course not. I can't get into their 6 head. 7 MR. FREDERICK: Chris, mark this as Uresti 8 Deposition <u>Exhibit 1</u>, please. 9 (Uresti <u>Exhibit 1</u> marked for 10 identification.) 11 MR. GEAR: Matthew, I don't know if you 12 wanted to put our appearances on the record. 13 MR. FREDERICK: Oh. 14 MR. GEAR: Because there's objections 15 and -- 16 MR. FREDERICK: Okay. Well, yeah, let's 17 go ahead and do before we get into the exhibit. 18 At this time, counsel has requested that 19 everyone put in an appearance for the record. I'll 20 start. I'm Matt Frederick. I'm appearing for the State 21 of Texas. 22 MR. GEAR: I'm Bruce Gear. I'm appearing 23 on behalf of Eric Holder, the Defendant. 24 MR. GARZA: Jose Garza appearing on behalf 25 of the defendant intervenors, the Mexican American</p>	39
<p>1 just disagreed with that testimony or didn't think it 2 would have the same effect? 3 A. Sure, of course. 4 Q. Okay. If a member just didn't agree or thought 5 -- didn't agree with the testimony that it would have a 6 negative effect on Latino or African American voters or 7 just sincerely believed that it would not have any 8 negative effect, would a vote in favor of the bill, 9 would that demonstrate a discriminatory purpose? 10 A. Well, I would be speculating when I answer that 11 question, but no one knows my district better than I, I 12 would submit. And when you have 75 percent that are 13 both African American and Hispanic, and I testified to 14 my colleagues this bill will have a discriminatory 15 effect on my constituents, I would think they'd give 16 great weight to that testimony. Of course, it's their 17 decision to disagree with me, but given what I know 18 about my district, having represented it for six years, 19 I believe a vote contrary would mean that they 20 understood the effects of the bill and notwithstanding 21 the negative consequences and effects of the bill, they 22 decided to vote in favor of that bill. 23 Q. And when you said they understood the effects 24 of the bill, you can't say for sure, as you sit here, 25 whether any individual member actually understood or</p>	38	<p>1 Legislative Caucus. 2 MR. MALDONADO: Roberto Maldonado 3 appearing on behalf of the deponent. 4 Q. (BY MR. FREDERICK) Senator Uresti, just to be 5 clear, are you represented today by Mr. Garza? 6 A. No, sir. I'm represented by Roberto Maldonado. 7 Q. Thank you. If you would look at what's been 8 marked as Deposition <u>Exhibit 1</u>, please. Can you 9 identify what this document appears to be? 10 A. <u>Exhibit 1</u> appears to be Senate Journal, Monday, 11 dated Monday, May 9, 2011, from the 82nd Legislature. 12 Q. I'm going to give you another exhibit before we 13 get into that one. 14 If you'll mark this one, Chris, as Uresti 15 <u>Exhibit 2</u>, please. 16 (Uresti <u>Exhibit 2</u> marked for 17 identification.) 18 Q. (By MR. FREDERICK) Can you identify that 19 exhibit for the record, please? 20 A. <u>Exhibit 2</u> appears to be, again, from the Senate 21 Journal of the 82nd Legislature dated January 26, 2011. 22 Q. Thank you. If you'll turn, please, to the 23 second page of <u>Exhibit 2</u>, there -- a couple of lines 24 down from the top -- well, first, does this appear, the 25 top left, does this appear to be Page 146 of the</p>	40



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1 journal? 2 A. Yes, sir. 3 Q. A couple of lines from the top, do you see 4 where it says "Senate Bill 14 on the third reading"? 5 A. Yes, sir. 6 Q. And do you see a few lines down, it recites 7 that the bill was read -- read the third time and then 8 passed by a vote of 19 in favor and 11 opposed? 9 A. Correct. 10 Q. I would like for you -- I'm going to hand you 11 this pen, and I would like for you to circle the name of 12 any of the legislators who voted in favor of this bill 13 who you contend supported the bill in order to harm 14 African American or Latino voters. 15 A. Repeat your question. 16 Q. Of course. I would like you to circle the name 17 of any senator who voted in favor of the bill who you 18 contend voted in favor of the bill to harm the ability 19 of African American and Latino Texans to vote. 20 A. Well, again, Counselor, my position is, it was 21 the intent -- it was the effect of the bill, once it was 22 passed, that had the intent to discourage or 23 disenfranchise voters, specifically those of African 24 American or Hispanic that live in my district. So I 25 can't identify a particular senator. My position is	41	1 Q. Do you contend that any of the legislators who 2 voted for SB 14 did so for the purpose of harming 3 indigent voters? 4 A. And again, my response would be similar to your 5 previous questions in that it's the bill that had that 6 effect on the indigent, and that would be my position. 7 Q. So you couldn't identify any particular 8 legislator who voted for SB 14 for the specific purpose 9 of preventing indigent people from voting? 10 A. No, sir. 11 Q. Do you believe that the members of legislature 12 who voted for SB 14 did so in order to harm elderly 13 people by preventing them from voting? 14 A. And again, my response would be the same, which 15 is that the bill had that effect of harming the elderly 16 or preventing the elderly from voting. 17 Q. So you couldn't identify a specific legislator 18 who voted for SB 14 for the purpose of preventing 19 elderly people from voting? 20 A. No, sir. 21 Q. Do you believe that the members of the 22 legislature who voted for SB 14 did so in order to harm 23 rural voters by preventing them from voting? 24 A. And again, Counselor, my response would be the 25 same, in that it was the bill, Senate Bill 14, that had	43
1 that it was the intent -- it was the effect of the bill, 2 Senate Bill 14, that had that negative consequence. 3 Q. Okay. So as you sit here today, you can't 4 identify any specific senator who voted for SB 14 for 5 the purpose of harming African American and Latino 6 Texans' right to vote? 7 A. It would be very difficult, because I can't get 8 into their head and know what they were thinking when 9 they voted. 10 Q. So as you sit here today, you cannot identify 11 any specific senator who voted for the bill to harm 12 African American and Latino voters? 13 A. That's correct. 14 Q. Thank you. 15 If I were to show you a list of members of 16 the Texas House who voted in favor of SB 14, would you 17 be able to identify any specific House member who you 18 believe voted for SB 14 in order to harm African 19 American and Latino Texans' right to vote? 20 A. No, sir. 21 Q. Thank you. 22 Do you contend that the Texas Legislature 23 intended to harm indigent voters by passing SB 14? 24 A. And again, my response is not the whole 25 legislature, because not all of us voted for the bill.	42	1 the effect on preventing rural voters from being able to 2 vote. 3 Q. So you can't identify any specific legislator 4 who voted for SB 14 for the purpose of harming rural 5 voters by preventing them from voting? 6 A. No, sir. 7 Q. So other than the potential effect of SB 14, is 8 there any other evidence that you were aware of to 9 support the contention that SB 14 was passed with a 10 discriminatory purpose? 11 MR. GARZA: Objection, calls for a legal 12 conclusion. 13 A. Can you repeat your question again, please? 14 Q. (BY MR. FREDERICK) Of course. Other than the 15 potential effect of SB 14 on voters in Texas, is there 16 any other evidence on which you base your contention 17 that the bill was passed with a discriminatory purpose? 18 A. Not that I can think of, no. 19 MR. FREDERICK: Do you mind if we take a 20 five-minute break? 21 MR. MALDONADO: Not at all. 22 THE WITNESS: Perfect. 23 (Recess from 10:38 a.m. to 10:47 a.m.) 24 MR. FREDERICK: Mark that as <u>Exhibit 3</u> . 25 (Exhibit 3 marked for identification.)	44



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1 Q. (By Mr. Frederick) Senator, the court reporter 2 has handed you what's been marked as Deposition 3 <u>Exhibit 3</u> . If you'll turn to the second page, if you 4 can identify this document, please. And please take 5 your time to look it over. 6 A. This appears -- Counselor, this appears to be a 7 declaration of Carlos Uresti, myself, and it's dated 8 April 9, 2012. 9 Q. Does this appear to be a true and correct copy 10 of the declaration that you provided to the Department 11 of Justice in this lawsuit? 12 A. Yes, sir. 13 Q. Who wrote this declaration? 14 A. I did. 15 Q. Did anyone at the Department of Justice provide 16 comments on the substance of this declaration? 17 A. Not that I can recall. 18 Q. Did anyone at the Department of Justice make 19 edits or changes to the declaration after you had 20 written it? 21 A. No, sir. 22 Q. Did anyone else assist you in writing this 23 declaration? 24 A. No, sir. And let me clarify that. I may have 25 asked my staff for specific data like the bill number,	45	1 Q. And did the substance of that conversation 2 include the declaration that you had been asked to 3 draft? 4 A. If you're asking me if they asked me to prepare 5 an affidavit or declaration, yes, that's correct. 6 Q. What else did they -- what else did you discuss 7 related to the affidavit with the Department of Justice 8 before you wrote the affidavit? 9 A. That's pretty much it. 10 Q. Did the Department of Justice tell you that 11 they wanted you to include anything specific in that 12 affidavit? 13 A. I think it was the conversation was more about 14 be as specific as you can be. But again, I don't 15 remember exactly that conversation. 16 Q. Before that conversation about your -- about 17 this affidavit, which was in -- sometime in March or 18 April of 2012; is that right? 19 A. Yes, sir. 20 Q. Before that conversation, had you had a 21 conversation with the Department of Justice? 22 A. Not that I can recall. I don't think I've ever 23 spoken to them before. 24 Q. The Department of Justice didn't call you to 25 ask about Senate Bill 14 during the administrative	47
1 et cetera, but as far as writing it, no. 2 Q. Okay. So your staff may have helped you find 3 some of the information, right? 4 A. Yes, sir. 5 Q. But you actually did the writing? 6 A. Yes, sir. 7 Q. Is it correct that the Department of Justice 8 asked you to provide a declaration for this lawsuit? 9 A. Yes, sir. 10 Q. When was that request made, to the extent that 11 you can recall? 12 A. Again, well, obviously, it was before April the 13 9th, somewhere between March and April. 14 Q. How was that request communicated to you from 15 the Department of Justice? 16 A. I think they called my office, my office called 17 me, and then I contacted the Department of Justice. I 18 believe that's how it worked. 19 Q. Did you discuss an affidavit with the 20 Department of Justice before you drafted this affidavit? 21 A. I don't understand your question. 22 Q. Sure. Is it accurate that you had a 23 conversation with someone at the Department of Justice 24 before you actually drafted this declaration? 25 A. Yes, sir.	46	1 Q. preclearance process? 2 A. They never spoke to me. I don't think they 3 ever spoke to my office. 4 Q. So moving back to the conversation that you had 5 with the Department of Justice about your affidavit, in 6 that conversation, did the Department of Justice ask you 7 if you believed that Senate Bill 14 would have a 8 discriminatory effect? 9 A. I don't -- I really don't recall if they asked 10 me that specific question or not. 11 Q. Do you recall if you told them that you 12 believed that Senate Bill 14 would have a discriminatory 13 effect? 14 A. I honestly don't recall. 15 Q. Do you recall -- 16 A. What I was going to say is -- this is a side 17 matter. There was another bill that I was working on. 18 It was a local San Antonio bill called "BexarMet Water 19 District Bill." Bexar Metropolitan Water District 20 Bill. That bill required clearance -- preclearance by 21 the Department of Justice, coincidentally. Had nothing 22 to do with this bill specifically, but because it had to 23 do with voting rights, the Voting Rights Act, it had to 24 be precleared. 25 So I had other conversations not related	48



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49 1 to Senate Bill 14 with the Department of Justice, 2 coincidentally, so that's why I'm a little -- trying to 3 make sure I remembered those conversations. 4 Q. I understand. Thank you. And BexarMet Water 5 District, that's Bexar County, right? 6 A. Yes, sir. 7 Q. Which includes San Antonio? 8 A. Yes, sir. 9 Q. And that's B-e-x-a-r? 10 A. Thank you. B-e-x-a-r. And most of the Bexar 11 Metropolitan Water District is within my senate district 12 as well. 13 Q. In the conversation or conversations you had 14 with the Department of Justice about the BexarMet Water 15 District Bill, was Senate Bill 14 ever mentioned in 16 those conversations? 17 A. No, sir. 18 Q. I appreciate you clarifying that. 19 A. Yes, sir. 20 Q. How many conversations did you have with the 21 Department of Justice about the declaration that you 22 provided in this lawsuit? 23 A. I think two. 24 Q. How long did each of those conversations last? 25 A. I'm guessing the first one might have lasted	51 1 to anyone else. 2 Q. So after you spoke to the Department of Justice 3 for the first time, you drafted the declaration; is that 4 right? 5 A. Yes, sir. 6 Q. And did you provide that draft to the 7 Department of Justice? 8 A. I believe so. 9 Q. Did you -- after you submitted or provided a 10 draft of your declaration, did you discuss your 11 declaration again with the Department of Justice? 12 A. We reviewed it together, yes. 13 Q. Were any changes made after you reviewed or 14 discussed the department of -- your declaration, excuse 15 me, with the Department of Justice? 16 A. I believe the only changes I made were typos 17 that I had made in my affidavit. 18 Q. Do you know why the Department of Justice asked 19 you to provide an affidavit in this case? 20 A. I can only assume because they were objecting 21 to the bill. 22 Q. Did anybody from the Department of Justice ever 23 tell you why they wanted you to provide an affidavit? 24 A. I assumed they were asking everybody, quite 25 frankly. I say "everyone," all the Democratic senators
50 1 five minutes or so. I really don't recall. And then 2 the second one was probably maybe 10 minutes. There 3 might have been a third one. And if there was a third 4 one, you know, probably along the same lines, 5 to 10 5 minutes. 6 Q. Just so I'm clear, so the Department of Justice 7 asked you to provide a declaration in this lawsuit, 8 right? 9 A. Yes, sir. 10 Q. And you had a conversation sometime in March or 11 April of 2012, you think, about providing that 12 declaration? 13 A. Yes, sir. 14 Q. And that -- was that conversation by telephone? 15 A. Yes, sir. 16 Q. And I think that you testified earlier, but was 17 it Mr. Gear that you spoke to at the Department of 18 Justice? 19 A. Initially, I really don't recall if that was 20 the first person I communicated with. I don't remember. 21 Q. Is -- do you recall, other than Mr. Gear, any 22 other specific individual at the Department of Justice 23 with whom you spoke about SB 14? 24 A. Other than the first conversation, because I 25 don't recall who that was, no, I don't believe I spoke	52 1 that opposed it. I never asked that question. 2 Q. And nobody ever told you why, specifically, 3 they wanted you to provide an affidavit? 4 A. No, sir. 5 Q. Did anyone outside the Department of Justice 6 ever tell you why the Department of Justice wanted you 7 to provide an affidavit in this case? 8 A. No, sir. 9 Q. And you said that there were -- you had two 10 phone conversations about your affidavit. Do you recall 11 any other conversations by phone or in person with the 12 Department of Justice in this case? 13 A. We never met in person, and there may have 14 been, again, a third one that followed. 15 Q. Okay. So after your second conversation when 16 you discussed the affidavit itself, did the Department 17 of Justice then provide you with an affidavit to sign? 18 A. I prepared the affidavit. 19 Q. Oh, okay. So after you had the second 20 conversation, then you finalized the affidavit, signed 21 it, and sent it to the Department of Justice; is that 22 right? 23 A. Yes, sir. I signed it and I had it notarized 24 in my office and then sent it off. 25 Q. And this shows that you signed it and swore to



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1 it on April 9th, 2012? 2 A. Yes, sir. 3 Q. Other than the Department of Justice and 4 possibly members of your staff, did you discuss this 5 affidavit with anyone else? 6 A. Never. 7 Q. Sitting here today, is there anything in this 8 affidavit that you would like to change or clarify? And 9 please take your time. 10 A. On page -- I guess it's -- it says Page 3 of 5 11 at the top. 12 Q. Okay. 13 A. Paragraph 6. 14 Q. Yes. 15 A. The last sentence of the paragraph reads: "I 16 also called the offices of Senator Jane Nelson and 17 Senator Tommy Williams to inform them that I would be 18 arriving late because of my illness." It should be 19 Senator Kim Brimer instead of Tommy Williams. 20 Q. Okay. 21 A. And the reason I made that mistake is because 22 both of them were chairs of the administrative -- 23 Administration Committee, and I was the vice chair. And 24 I just thought it was Tommy. It was Kim Brimer. 25 Q. And this was in 2007?	53	1 passed the House? 2 A. Yes, sir. 3 Q. But then, obviously, it did not pass the 4 Senate, right? 5 A. It didn't pass the Senate. I'm assuming it did 6 pass the House to come over. 7 Q. Okay. In the Senate, who sets the -- who sets 8 the Senate calendar? 9 A. The Lieutenant Governor. 10 Q. Lieutenant Governor. So there's no calendar 11 committee in the Senate? 12 A. No, sir. It's not like in the House where they 13 have their own House Calendars Committee that determines 14 what bills come to the Floor. In the Senate, it's -- 15 there's no such committee, and the Lieutenant Governor, 16 as presiding officer, dictates the calendar. 17 Q. So what would be required to change the Senate 18 calendar? 19 A. Well, to bring a bill up, we have, like in this 20 case, the two-third -- I say "this case," Senate Bill 21 14, you have the two-thirds rule, which requires 22 two-thirds of the senators to agree to bring up any 23 particular bill before it can be heard. But that's only 24 after the Lieutenant Governor determines that a 25 particular bill is going to be called. So as the	55
1 A. Correct. 2 Q. Okay. So in Paragraph 6, then, rather than "I 3 also called the office of Senator Jane Nelson and 4 Senator Tommy Williams," it should say "Senator Jane 5 Nelson and Senator Kim Brimer," right? 6 A. Correct. 7 Q. And I'll give you time. Is there anything else 8 that you would like to change or clarify? 9 A. As far as the substance is concerned, no. I 10 see a few typos but nothing else. 11 Q. All right. Thank you. I'd like to -- on Page 12 3, if you could direct your attention to Paragraph 7? 13 A. Okay. 14 Q. And it looks like this is a discussion about a 15 vote on House Bill 218; is that right? 16 A. Yes, sir. 17 Q. And the House Bill 218 was -- that was a photo 18 ID bill that was considered in 2007 by the legislature; 19 is that right? 20 A. Yes, sir. 21 Q. And that bill, that bill didn't get passed by 22 the legislature, did it? 23 A. No, sir. 24 Q. And I guess the fact that that bill was a House 25 bill that came to the Senate, does that mean that it	54	1 presiding officer, he still has that power. 2 Q. I see. 3 A. So in order to change it, a majority of members 4 can make that decision as they did with Senate Bill 14. 5 Q. So is it accurate to say that once a -- once a 6 bill has been put on calendar or allowed to go to the 7 calendar by the Lieutenant Governor, it's the members 8 that decide the order the bills get considered in? 9 A. No. 10 Q. No? 11 A. No. 12 Q. How does -- how is the order in which bills get 13 considered determined? 14 A. The Lieutenant Governor ultimately makes that 15 decision. There can be a bill on the calendar that 16 could sit there for two weeks, and then the Lieutenant 17 Governor makes the final decision which bill is going to 18 be called up and when. 19 Q. I see. So the Lieutenant Governor, for lack of 20 a better word, decides to bring up a bill; is that 21 right? 22 A. Yes. 23 Q. And then at that point, is when under customary 24 procedures, the senators would vote to determine whether 25 that bill gets considered?	56



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1 A. Exactly. 2 Q. Now, the requirement of two-thirds, or the 3 two-thirds vote by senators, does that appear in the 4 Senate rules? 5 A. It's a -- it's a -- well, the first day the 6 session, the senators caucus, and we vote on our 7 rules. And as far as I can recall, other than Senate 8 Bill 14, the rules have always required two-thirds, a 9 two-thirds vote before a bill comes up to be voted on, 10 on the Senate floor. 11 Q. Is it customary in the Senate to have what I 12 think is sometimes referred to as a "blocker bill"? 13 A. Yes, sir. 14 Q. Can you tell me your understanding of what the 15 blocker bill is? 16 A. The blocker bill is -- is a bill that's usually 17 not of great importance, I suppose, and it's placed on 18 the calendar to essentially support the whole two-thirds 19 concept. So in other words, before a bill can be taken 20 out of the regular order of business, which means taken 21 around the blocker bill, you must have two-thirds of the 22 senators agree to take up that bill. And that's 23 primarily the purpose of the blocker bill. 24 Q. So is it accurate so say then that, again, for 25 lack of a better word, it's kind of a -- there's a line;	57	1 A. Well, generally, but it doesn't always work 2 that way. Again, it depends on when the Lieutenant 3 Governor decides to bring up your bill. So there's not 4 a specific line where you can say, "Okay. I'm Number 5 3." 6 Q. Okay. 7 A. It's not that way. You might think you're 8 Number 3, but it may be, for whatever reason, if the 9 presiding officer determines he's not ready to call up 10 your bill, then the bill doesn't get called up. 11 Q. Okay. If for whatever reason there were not a 12 blocker bill in place and so -- if there weren't a 13 blocker bill in place at all, then would bills generally 14 be considered in the regular order of business? 15 A. I wouldn't know. I don't think that's been 16 done in decades. 17 Q. As far as the order of bills, other than the 18 blocker bill, would the Lieutenant Governor have the 19 ability to change the order of bills that were up for 20 consideration? 21 A. Can you rephrase? 22 Q. Does that make sense? 23 A. No. 24 Q. Let me see if I can ask it more clearly. 25 If there were certain bills that -- that	59
1 there's a bill that's first in line and then bills 2 behind it in line? 3 A. Yes. 4 Q. Is that fair? 5 A. Yes. 6 Q. And the custom in the Senate is to have a 7 blocker bill that sits at the head of the line; is that 8 right? 9 A. Yes, sir. 10 Q. And the understanding is that that blocker bill 11 is not actually going to get passed, right? 12 A. Eventually, it might, but it would -- usually 13 it's not until the end of the session, if at all. 14 Q. Okay. So at least the expectation, generally, 15 is that that bill will -- it will either not move at all 16 or it will move very late; is that right? 17 A. Yes, sir. 18 Q. Okay. And so the fact that there's a bill at 19 the head of the line means that to consider any other 20 bill behind it, the Senate has to suspend the regular 21 order of business; is that right? 22 A. Yes, sir. 23 Q. Because in the regular order of business, bills 24 would just be considered in whatever order they are in 25 the line; is that right?	58	1 were up for consideration, let's say they were behind 2 the blocker bill, would the Lieutenant Governor have the 3 ability to take a new bill and say this bill is now 4 going to be first in line for consideration behind the 5 blocker bill even though these 10 or 20 other bills were 6 already sitting there? 7 A. Yes, because he did that on House Bill 218. 8 Now it would require the -- in that 9 situation, the two-thirds rule, so two-thirds of the 10 senators present and voting would have to agree to bring 11 up the bill. But he could call up any bill that's on 12 the calendar. We're taking up bill, House Bill 214, for 13 example, or Senate Bill 14. 14 Q. Okay. 15 A. Generally, you need the two-thirds rule except 16 this last session when that was waived for that bill 17 specifically. 18 Q. Right. 19 A. Does that make sense? 20 Q. I does, yes. I think so. So I've been talking 21 about kind of a line and an order of bills, but it 22 sounds like, in a sense, that's not really how it works, 23 because the Lieutenant Governor just calls a bill 24 regardless of where it might be in the line; is that 25 right?	60



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<p>1 A. Exactly. Exactly.</p> <p>2 Q. Do the Senate rules require that all members be</p> <p>3 present in order to vote on a bill?</p> <p>4 A. Not all members. Can you rephrase your</p> <p>5 question? Because the way -- all members don't have to</p> <p>6 be present for us to vote on a bill. A member has to be</p> <p>7 present to vote on a bill.</p> <p>8 Q. Okay. So the fact that three, four members</p> <p>9 aren't there for the vote does not prevent the Senate</p> <p>10 from voting on a bill; is that right?</p> <p>11 A. Assuming there's a quorum.</p> <p>12 Q. I see. So there has to be a quorum for the</p> <p>13 Senate to vote on a bill; is that right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. But assuming there is a quorum, the fact that</p> <p>16 one or more senators are not present does not prevent</p> <p>17 the Senate from voting?</p> <p>18 A. Yes, sir, that's correct.</p> <p>19 Q. Unless, of course, that enough are gone to</p> <p>20 break the quorum, right?</p> <p>21 A. Correct.</p> <p>22 Q. Do the Senate rules require all members to be</p> <p>23 present in order to suspend the regular order of</p> <p>24 business?</p> <p>25 A. No, sir.</p>	<p>61</p> <p>1 Q. Can you recall -- can you recall any other time</p> <p>2 during your membership in the Senate when a bill was</p> <p>3 passed without the presence of all members?</p> <p>4 A. Sure. It's done all the time.</p> <p>5 Q. Can you recall any other instance, besides the</p> <p>6 one you described here in Paragraph 6, when a bill was</p> <p>7 moved up or taken out of order for a vote while a member</p> <p>8 was gone?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall any specific bills?</p> <p>11 A. I can't recall a specific bill, no. But again,</p> <p>12 I can never recall -- I can't recall any situation where</p> <p>13 a bill was taken up before we do the resolutions, you</p> <p>14 know, the bringing the folks on to the Senate floor,</p> <p>15 acknowledging them, et cetera.</p> <p>16 Q. I see. Do you recall on the day in the 2007</p> <p>17 session when -- that you described in Paragraph 6, when</p> <p>18 HB 218 was voted on, were there any other members who</p> <p>19 were not present for that vote?</p> <p>20 A. The first vote that was taken on House Bill</p> <p>21 218, from what I recall, Dean Whitmire, John Whitmire,</p> <p>22 was -- had been on the Floor, but I believe he was on</p> <p>23 the House floor at the time. Senator Heger, I think</p> <p>24 also was on the House floor. And that's all I can</p> <p>25 recall as far as those that were absent.</p>
<p>1 Q. Looking back at Paragraph 7 on Page 3 of what</p> <p>2 we've marked as Deposition <u>Exhibit 3</u>. So this -- you</p> <p>3 state in Paragraph 7 that Senator Hinojosa informed you</p> <p>4 that supporters of HB 218 had changed the Senate</p> <p>5 calendar when you were absent, and -- is that right?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And is it accurate that what happened was you</p> <p>8 were gone, but SB -- HB 218 was called to a vote while</p> <p>9 you were gone; is that accurate?</p> <p>10 A. I was in my apartment sick. And generally, all</p> <p>11 the time, every morning they call us to order. We do</p> <p>12 the prayer. You do resolutions honoring, you know, our</p> <p>13 military. Somebody's 50th anniversary. Et cetera, et</p> <p>14 cetera. That generally takes a couple of hours. So</p> <p>15 that morning, when I was ill, I called in and said "I</p> <p>16 will be in right after we complete our Senate</p> <p>17 resolutions," et cetera. That's when this bill was</p> <p>18 called up was when -- normally, we would be doing</p> <p>19 resolutions, but instead, they suspended that to take up</p> <p>20 this bill, which is highly unusual. In fact, I don't --</p> <p>21 I'd say it's extraordinary.</p> <p>22 Q. Is it your understanding that HB 218 was moved</p> <p>23 up or taken up because its proponents thought they could</p> <p>24 pass it while you were gone?</p> <p>25 A. Absolutely.</p>	<p>62</p> <p>1 Q. So after you got a call from Senator Hinojosa,</p> <p>2 you went to the Senate floor?</p> <p>3 A. I had no choice. Yes, sir.</p> <p>4 Q. And moving down, moving down to Paragraph 9 on</p> <p>5 the same page, says that HB 218 passed on its first vote</p> <p>6 before you arrived; is that right?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And then you say that -- where am I? Oh, here</p> <p>9 we are. Okay. Still in Paragraph 9, it says "Opponents</p> <p>10 of the bill forced a second vote." Is that accurate?</p> <p>11 A. Yes, sir.</p> <p>12 Q. How did -- how did opponents of HB 218 force a</p> <p>13 second vote on the bill?</p> <p>14 A. The Lieutenant Governor called for a second</p> <p>15 vote. Because from what I understand, and I wasn't</p> <p>16 present, for most of the vote, Senator Whitmire raised</p> <p>17 objection. Because generally, the custom of the Senate</p> <p>18 is if you check in with the secretary of the Senate and</p> <p>19 you excuse yourself either to go to use the facilities</p> <p>20 or to go the members' lounge to eat lunch, have coffee,</p> <p>21 or you may be meeting with the presiding officer,</p> <p>22 oftentimes in his office, constituents in the back hall,</p> <p>23 the secretary of the Senate knows that you're present.</p> <p>24 And for the most part, knows how you're going to vote,</p> <p>25 which is interesting, but -- based on our past votes, et</p>



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1 cetera. Senator Whitmire objected to the first vote 2 based on those reasons, and the Lieutenant Governor 3 called for a second vote. So I wasn't present during 4 most of the second vote. I appeared moments -- seconds 5 before my name was called. 6 Q. So Senator Whitmire, if I understand you 7 correctly, he objected because he had checked in and 8 then left, but a vote was called in his absence, even 9 though he had checked in? 10 A. Yes, sir. 11 Q. Do you know -- and I understand you weren't 12 there at the time, but do you know whether or not 13 Senator Whitmire specifically objected to the vote on HB 14 218 based on the fact that you were not present? 15 A. I don't know. 16 Q. You mentioned that the secretary often knows 17 how members will vote. Do members of the Senate ever 18 ask the secretary in advance to put them down for a 19 vote, one way or the other, on a bill that they know 20 will be coming up? 21 A. Some senators do that. 22 Q. Do senators ever -- ever ask other senators to 23 vote for them on a specific bill, like vote for them one 24 way or the other on a bill? 25 A. Well, in the Senate, it's different, done	65	1 call the roll, you'll understand that before she 2 finishes the roll call, halfway before she finishes the 3 roll call, the presiding officer is gaveling. 4 Q. Okay. But in any event, you don't vote in the 5 Senate by pressing a button on your desk. 6 A. No, sir, you don't. 7 Q. Okay. At the time that you described -- the 8 time during the 2007 session that you're describing in 9 here in Paragraphs 6 through 9, were you aware that HB 10 218 might come up for consideration? 11 A. That morning? No, I was not. 12 Q. Did you anticipate that it would come up that 13 day? 14 A. No, sir, because they did not have the votes to 15 pass that bill. The purpose of my call was out of 16 courtesy, because I sit on two different committees that 17 meet early in the morning, and I thought it was the 18 senatorial thing to do, which was to call the chairman, 19 chairpersons of the different committees to let them 20 know that I would be absent for those committees early 21 in the morning. And the secretary of the Senate, as 22 well, that I would be absent during the resolutions, but 23 I would be present for regular order of business when it 24 came -- when it did come to be. But there was no reason 25 for us to believe that House Bill 218 was going to come	67
1 differently than in the House, whereas the House, you 2 register your vote from your desktop. 3 Q. Okay. 4 A. In the Senate, it's usually a roll call vote, 5 although, again, you could leave your vote with the 6 secretary of the Senate, assuming you know that the bill 7 is coming up. 8 Q. Right. 9 A. And I will submit to you, in this case, no one 10 knew that this bill was coming up. 11 Q. So in the House, they basically vote on bills 12 by pushing a button on their desk, correct? 13 A. Right. And no one votes for any other member 14 on the House floor either. 15 Q. No? Never? But if they were to do that, they 16 could conceivably just push a button, right? 17 A. Conceivably. 18 Q. Okay. But that's not how it works in the 19 Senate? 20 A. No, sir. 21 Q. In the Senate, it's actually, Senator Uresti, 22 you're called and then you state your vote; is that 23 right? 24 A. Generally, that's how it happens. But it's, 25 again, if you've ever heard the secretary of the Senate	66	1 up for a vote because they did not have the votes -- 2 Q. I see. 3 A. -- to suspend. 4 Q. Right. So the Lieutenant Governor called the 5 second vote on HB 218; is that right? 6 A. Yes, sir. I was not present at the time, 7 though. 8 Q. Was there any rule, to your knowledge, that 9 required the Lieutenant Governor to allow a second vote 10 on HB 218? 11 A. Not a specific rule other than the custom of 12 the Senate, which is not to count a senator absent once 13 they've checked in, unless they've checked out. 14 Q. Is it accurate to say that it was within the 15 Lieutenant Governor's discretion to have a second vote 16 on HB 218? 17 A. Sure. I think especially given the fact of the 18 way the first vote was handled. 19 Q. But there was nothing that -- there was nothing 20 that required him to allow a second vote, was there? 21 A. Of course not, other than to follow Senate 22 custom. 23 MR. MALDONADO: Would you mind if we took 24 a break? 25 MR. FREDERICK: Not at all.	68



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<p>1 (Recess from 11:25 a.m. to 11:34 a.m.)</p> <p>2 Q. (BY MR. FREDERICK) Senator, I'd like to move to</p> <p>3 the next page of your declaration, Paragraph 13. It</p> <p>4 says "During the Senate's consideration of SB 14, I</p> <p>5 testified that SB 14 would have a disproportionate</p> <p>6 effect on minority voters in Senate District 19 and the</p> <p>7 State of Texas as a whole." Is that accurate?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And that's your -- that's your position today,</p> <p>10 is that Senate Bill 14, in your understanding, will have</p> <p>11 a disproportionate effect on minority voters, both in</p> <p>12 your district and in the state as a whole, right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Do you recall -- do you recall what the</p> <p>15 specific testimony was that you refer to here in</p> <p>16 Paragraph 13?</p> <p>17 A. Well, generally, I recall. Again, it's been</p> <p>18 over a year. But I -- I touched on the fact that my</p> <p>19 district is the largest geographical district in the</p> <p>20 continental U.S., have almost or part of 23 counties,</p> <p>21 50,000 square miles. There's 23 counties. Of the 23</p> <p>22 counties, that about 8 of them or so either had no DPS</p> <p>23 office, Department of Public Safety office or had</p> <p>24 limited hours. I think that was the thrust of my</p> <p>25 argument.</p>	<p>69</p>	<p>1 A. 1989.</p> <p>2 Q. And you've had -- is the ID you have now, is</p> <p>3 the same one you had when you left active duty in '89?</p> <p>4 A. That's the one they issued me, yes.</p> <p>5 Q. Do you know whether it would be possible, if</p> <p>6 you wanted to, or needed to, for you to get a new ID</p> <p>7 from the military with your photo on it?</p> <p>8 A. I don't know. I never tried. I never tried</p> <p>9 since I was told that ID was good forever.</p> <p>10 Q. Is it your understanding that all military IDs</p> <p>11 are good forever?</p> <p>12 A. I don't know.</p> <p>13 Q. If you lost your military ID and needed to get</p> <p>14 a new one, for any reason, how would you do that?</p> <p>15 A. I was told "Don't ever lose your military ID,</p> <p>16 Marine," so I wouldn't know the process.</p> <p>17 Q. Okay. So you've never -- you, personally, have</p> <p>18 never had to replace your military ID?</p> <p>19 A. No, sir.</p> <p>20 Q. And you're not aware of what would be required</p> <p>21 to replace a military ID?</p> <p>22 A. No, sir.</p> <p>23 Q. You're not aware of what would be required if</p> <p>24 you wanted to get a new one, say, with your picture on</p> <p>25 it?</p>
<p>1 Q. And by "disproportionate effect," did you mean</p> <p>2 that minority voters in your district and in the state</p> <p>3 would be less likely to possess the ID required by SB</p> <p>4 14?</p> <p>5 A. Yes, sir.</p> <p>6 Q. How -- how do you know that minority voters in</p> <p>7 your district are less likely to have the ID required by</p> <p>8 SB 14?</p> <p>9 A. Well, I know that a majority of my folks are</p> <p>10 poor. They're working class. Very few of them have</p> <p>11 probably traveled outside the country, and therefore,</p> <p>12 obtained a passport. As far as a military ID, I have a</p> <p>13 military ID from when I left the Marine Corps that does</p> <p>14 not have a photo ID on it. Although, it's good forever,</p> <p>15 doesn't have a photo. So many of my, as you know, my</p> <p>16 constituents were former military. And again, given the</p> <p>17 district, the vast -- geographically, the distance</p> <p>18 between the towns, I believe that it will have that</p> <p>19 disproportionate effect on my constituents. Also given</p> <p>20 the fact that 75 percent of them or so are either</p> <p>21 African American or Hispanic.</p> <p>22 Q. So you say you have a military ID from your</p> <p>23 service?</p> <p>24 A. That does not have a photo ID on it.</p> <p>25 Q. Okay. When did you leave the active service?</p>	<p>70</p>	<p>1 A. No, sir.</p> <p>2 Q. Have you conducted any studies of ID possession</p> <p>3 by voters in your district?</p> <p>4 A. No, sir.</p> <p>5 Q. Have you seen any studies of ID possession by</p> <p>6 voters in your district?</p> <p>7 A. No, sir.</p> <p>8 Q. Have you conducted any survey of your</p> <p>9 constituents to see how many of them possess the ID</p> <p>10 required by SB 14?</p> <p>11 A. No, sir.</p> <p>12 Q. Are you aware of any survey of your</p> <p>13 constituents to see who possesses or how many possess</p> <p>14 the ID required by SB 14?</p> <p>15 A. No, sir.</p> <p>16 Q. Have you or your staff conducted any informal</p> <p>17 polls of constituents to see how many possess the ID</p> <p>18 required by SB 14?</p> <p>19 A. Not that I'm aware of.</p> <p>20 Q. Do you know how many of your constituents lack</p> <p>21 the -- one of the forms of ID required by SB 14?</p> <p>22 A. I don't know the exact amount, but I would</p> <p>23 imagine many lack several of those specific forms of</p> <p>24 ID. My mother is a perfect example.</p> <p>25 Q. And so you say you imagine many lack several of</p>



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73 1 the forms. Is that -- is that a conclusion that you 2 draw from the rates of poverty and the number of elderly 3 people and the number the minority voters in your 4 district? 5 A. It's from knowing my district and for the 6 reasons, the examples you just gave. And again, using 7 my mom as a perfect example. She never had a passport. 8 Her driver's license had expired because she didn't 9 drive. She was home on hospice. And was never in the 10 military. So would not have been able to vote. She 11 would not have met any of those five exceptions. She 12 didn't carry a gun. She didn't have a concealed 13 handgun. I should say a concealed handgun license. 14 Q. And she was registered to vote? 15 A. Yes, sir. 16 Q. And did she vote? 17 A. She voted for me. The most recent time would 18 have been November I believe of 2010. 19 Q. To the best of your recollection, did your 20 mother typically vote in person? 21 A. Yes, sir. She did until she was sent home on 22 hospice. 23 Q. Do you know how many of your constituents do 24 not have a driver's license? 25 A. I don't know.	75 1 A. I don't know offhand, but I can think of many 2 that don't have several of them. I don't know how many 3 of my constituents are driving around without a -- an 4 expired driver's license, for example. But I know many 5 of them that don't have military IDs, that don't have 6 passports, that don't have a certification of U.S. 7 citizenship, and they don't have a concealed handgun 8 license. I know many of those folks. 9 Q. Can you think of the name of any particular 10 constituent who does not have at least one of the IDs 11 required which SB 14? 12 A. Well, no, again, because I don't know how many 13 of them may have an expired driver's license. Or may 14 not have, simply, have a valid Texas ID license. They 15 may not have ever gone to get a Texas ID license -- or 16 Texas ID, rather. 17 Q. So as you sit here, you can't identify any 18 specific registered voter in your district who does not 19 have at least one of the forms of ID required by SB 14? 20 A. Well, other than my mother when she was alive. 21 Q. But other than that, no individuals that you 22 can identify? 23 A. Not by name. 24 Q. Can you identify any individual constituent 25 who -- of yours, who does not have the documentation
74 1 Q. Do you know how many of your constituents do 2 not have either a driver's license or a state-issued 3 personal ID card? 4 A. Well, I assume you're talking about those that 5 are of any particular age. I don't know. We're talking 6 about 800,000 people. So I don't know the answer to 7 your question. 8 Q. Do you know how many of your constituents have 9 a concealed handgun license? 10 A. No, sir. 11 Q. Do you know how many of your constituents have 12 a passport? 13 A. No, sir. 14 Q. Do you know how many of your constituents have 15 a military ID card? 16 A. No, sir. 17 Q. Can you identify any individual constituent who 18 does not have the identification required by Senate Bill 19 14? 20 A. My mother was -- is the best example. 21 Q. Can you identify any other individual, besides 22 your mother, who does not have one of the IDs required 23 by SB 14? 24 A. That does not have at least one of them? 25 Q. Yes, that does not have at least one.	76 1 that would be necessary to get one of the IDs required 2 by SB 14? 3 A. That's impossible to do. 4 Q. So the answer is no, you can't identify any 5 specific person? 6 A. Correct. I can't identify any specific person 7 because it's impossible. 8 Q. Do you know how many registered voters in Texas 9 do not have at least one of the forms of ID required by 10 SB 14? 11 A. I don't, but I would hope the Secretary of 12 State would know that, because I don't. 13 Q. So you -- so you can't -- well, scratch that. 14 Can you identify any particular registered 15 voter in Texas who does not have at least one of the 16 forms of ID required by SB 14? 17 A. I can't. I would defer to the Secretary of 18 State's Office. 19 Q. Do you know how many Texas registered voters 20 lack documents necessary to get a state-issued photo ID? 21 A. I have no idea. I doubt anybody in Texas knows 22 the answer to that question. 23 Q. Can you identify any particular registered 24 voter who does not have the documentation necessary to 25 get a state-issued photo ID SB 14?



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1 A. I have no idea. 2 Q. Are you familiar with the levels of photo ID 3 possession by registered voters in Texas, and by 4 "levels," I mean the percentage of voters from different 5 groups who have the kinds of photo IDs required by SB 6 14? 7 A. No, not specifically. 8 Q. You don't -- you don't know how -- what 9 percentage of African American voters have one of the 10 IDs required by SB 14? 11 A. No. Generally, I do know that African 12 Americans and Hispanics tend to not have the proper 13 photo identification required by SB 14, and the elderly 14 and disabled, as well, but specific numbers, I don't 15 have that. 16 Q. So you don't have a percentage for African 17 American or Anglo or Asian American or Hispanic voters? 18 A. No, sir. 19 Q. Okay. You say that you're aware that African 20 American and Hispanic voters, I'm paraphrasing, I don't 21 want to misquote you. It's your understanding that 22 African American and Hispanic voters tend not to have 23 the photo IDs required by SB 14; is that right? 24 A. I know that for a fact. 25 Q. How do you know that?	77	1 A. I'm sorry. Say that again? 2 Q. Of course. The individuals that you mentioned 3 who you believe wouldn't have a photo ID, do you believe 4 that most of those individuals were elderly or disabled? 5 A. Yes. And of either Hispanic or African 6 American, given my district. 7 Q. You said you were a House member representing 8 District 118; is that right? 9 A. Yes, sir. 10 Q. And is -- 118 is in Bexar County, right? 11 A. Yes, sir. 12 Q. Was it -- when you represented the district, 13 was it completely within Bexar County? 14 A. Yes, sir. 15 Q. Other than your experience as a legislator, 16 block walking, talking to constituents, is there any 17 other specific basis for your belief that African 18 American and Hispanic voters are less likely to possess 19 the ID required by SB 14? 20 A. I can't think of a better way of knowing that 21 than actually talking to the folks. That's all I have. 22 Q. Is it your understanding that the elderly and 23 disabled voters may be qualified to cast mail-in or 24 absentee ballots in Texas? 25 A. They might be qualified, yes.	79
1 A. Well, I've been a legislator for 15 years. 2 I've block-walked my neighborhood many, many times. And 3 I have individually spoken to constituents that proudly 4 hold up their voter registration card. Some of them 5 still call it a "poll tax." And that they say, 6 "Mr. Uresti, I have my poll tax." These are 7 individuals, typically, they're elderly, they're 8 Hispanic, they're African American. They may be 9 homebound. They may be in a wheel chair. They don't 10 drive. They don't travel. So I know for a fact that 11 they don't have a driver's license. I know for a fact, 12 as in my mom's case, that they don't drive. They don't 13 have a passport. They don't carry a concealed handgun. 14 So I know for a fact, based on 15 representing this district, the Senate District 19 for 16 six years, and as a state representative, District 118 17 for nine years, because I have individually spoken to 18 many of these folks. That's how I know. 19 Q. And those individuals that you have spoken to 20 in your experience as a legislator, you mentioned that 21 many of them were elderly or disabled; is that right? 22 A. Yes, sir. 23 Q. Would you say that most of those individuals 24 that you were referring to who you think don't have 25 photo ID are elderly or disabled?	78	1 Q. So it's possible that an elderly or disabled 2 person, even if he or she did not have the ID required 3 by SB 14, might still be able to cast a regular ballot 4 by mail? 5 A. They might be able to if they're aware of that, 6 one. And then two, as you know, Counselor, many -- at 7 least my voters prefer to vote in person. They want to 8 feel that their vote is counted for and may not trust 9 the mail-in process. 10 Q. If a voter for whatever reason lacks the ID 11 required to vote in person by SB 14 but could still cast 12 a ballot by mail, in your mind, would that voter's -- 13 would that voter be disenfranchised or denied the right 14 to vote by SB 14? 15 A. If they were allowed and able to vote by mail? 16 Well, assuming they voted by mail, then I don't see how 17 they were disenfranchised, if they actually voted. 18 Q. Are you familiar with the levels or percentages 19 of photo ID possession by voters in Georgia? 20 A. No, sir. 21 Q. Are you familiar with the levels of photo ID 22 possession by voters in Indiana? 23 A. Probably as much as they are as familiar with 24 Texas. No, sir, I don't. 25 Q. Okay. Going back to the voters who you've	80



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<p>1 spoken to over the years, can you remember any of those 2 voters by name? 3 I'm sorry. Let me clarify. The voters 4 you've spoken to over the years, can you recall by name 5 any of the voters who you believe did not have a photo 6 ID that would be required under SB 14? 7 A. Well, I can assume Ms. Lois Luke, perhaps, 8 Mrs. Rodriguez, Mr. Albert. I mean, there are so many. 9 Those are -- I think of an elderly, disabled, Anglo 10 woman, Ms. Luke. Mr. Albert was an African American, 11 wheelchair bound. Mrs. Rodriguez, I recall, was a lady 12 that held up her voter registration card who said "I've 13 got my tax, Mr. Uresti." So those are the first three 14 that just pop in my head. 15 Q. And Ms. Luke was Lois Luke? 16 A. Correct. 17 Q. Do you recall Ms. Rodriguez's first name? 18 A. No, I don't. There's a lot of Rodriguezes in 19 my district. 20 Q. Right. What about Mr. Albert, do you recall 21 his first name? 22 A. No, sir. 23 Q. And to your recollection, were Ms. Luke, 24 Ms. Rodriguez and Mr. Albert all elderly individuals? 25 A. Yes, sir. And Mr. Albert, that actually might</p>	81	<p>1 A. Yes, sir. 2 Q. How many of the counties in your district are 3 -- would you consider to be poor counties? 4 A. All of them. 5 Q. All of them. 6 A. I have, I believe, it's the third poorest 7 district in the state of Texas. 8 Q. Is that the third poorest Senate district? 9 A. Yes, sir. 10 Q. Is it your understanding, based on your 11 experience representing the district, that constituents 12 in the rural and poor areas of your district face 13 hardships doing kind of everyday activities such as 14 getting groceries? 15 A. Getting groceries, getting to school. A lot of 16 my constituents out in West Texas have to be bussed to 17 school. Takes an hour, hour and a half at times to get 18 to school in the mornings. So there's no question about 19 it. 20 Q. Are there communities in your district that 21 you're -- that you know of where people have to drive 30 22 minutes or more to get to a grocery store? 23 A. Absolutely. 24 Q. Can you think of any specific towns or 25 communities where people have to drive more than an hour</p>	83
<p>1 have been his first name. Because he kept calling 2 himself "Mr. Albert," so that actually could have been 3 his first name. 4 Q. Okay. 5 A. Just to clarify. 6 Q. Okay. Looking back at your declaration, which 7 we've marked as Deposition <u>Exhibit 3</u>, in Paragraphs 14 8 through 17, you generally describe the geography and 9 makeup of your district and how that might impose some 10 difficulty on your constituents; is that right? 11 A. Well, not how it might, but how it would 12 actually impose difficulty on my constituents. 13 Q. Okay. And you've testified that your district 14 is extremely large, right? 15 A. Yes, sir. 16 Q. And many of the counties in your district are 17 rural; is that accurate? 18 A. Almost all of them except for perhaps Bexar 19 County and El Paso County, yes. 20 Q. Do you have part of El Paso County in your 21 current district? 22 A. Yes, sir. 23 Q. So other than Bexar County and possibly 24 El Paso, you've said all of the other counties in your 25 district are rural?</p>	82	<p>1 to get to a grocery store? 2 A. Well, I guess you would have to define a 3 grocery store. If we're talking about an HEB, I could 4 think of towns that would have to drive a couple of 5 hours to get to an HEB. Absolutely. So, again, you 6 with have to define grocery store. But if we're using 7 HEB, which is the one I'm most familiar with, there are 8 towns that aren't -- don't have HEBs in them. In their 9 town. 10 Q. So their -- safe to say then that there are 11 towns in your district where to get to a supermarket 12 like an HEB, it would take at least an hour or possibly 13 more? 14 A. Sure. I'll give you an example. I mean, there 15 are towns south of San Antonio that my constituents 16 drive into San Antonio to go to the HEB. To go to the 17 malls. There's malls unheard of in West Texas. 18 Q. Right. 19 A. Simply unheard of. 20 Q. Can you think of any specific towns? 21 A. I can think of all them. Del Rio, Uvalde, 22 Eagle Pass, Hondo, Castroville, LaCoste, Lytle, Italia, 23 Devine, Presidio, Socorro, Pecos, Fort Stockton. 24 Q. So -- so do people in Eagle Pass have to drive, 25 they have to drive out of town to get to a supermarket?</p>	84



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<p>1 A. No. To get to a mall. 2 Q. Oh, to a mall. 3 A. A large mall. 4 Q. Okay. 5 A. Absolutely. And keep in mind, those drives 6 are -- from Uvalde to San Antonio, you know, are a 7 little over two hours. Eagle Pass to San Antonio is 2 8 hours and 20 minutes. So we're not talking about a 9 20-minute drive. 10 Q. Right. Probably not a lot in-between Eagle 11 Pass and San Antonio, necessarily. 12 A. There's nothing between there except for a rest 13 stop. So many of them have to plan that once a month, 14 perhaps, to come in to go buy clothes for their kids. 15 Many of my constituents do that either right before 16 Christmas or right before the school year. So they plan 17 two trips a year, because that's all they can afford. 18 Q. Is there -- when they -- when people in your 19 district who have to drive a long way to get clothes for 20 their kids, when they do make those trips, is there 21 public transportation that is available to them? 22 A. No, sir. There's not -- I'm assuming they 23 could get a Greyhound bus, perhaps, but you're talking a 24 24-hour trip with kids, perhaps. No, there's no such 25 transportation.</p>	85	<p>1 specifically my constituents. 2 And keep in mind that if you had an 3 accident, the time it would take for an ambulance to 4 reach you, to begin with, assuming you had 5 communication, because many times you don't even have 6 cell phone coverage out there in West Texas. So 7 assuming you had communication for an ambulance to get 8 there, and usually, they're volunteer ambulances, EMS 9 services, et cetera, then to be able to get you back to 10 the closest hospital will be -- would be very difficult. 11 Q. And so in your district, some of the obstacles 12 you've described, I think two -- some of the obstacles 13 that would be imposed by Senate Bill 14 would include 14 things like limited availability of driver's license 15 offices in certain counties, right? 16 A. Yes, sir. 17 Q. And possibly limited hours or limited days for 18 the driver's license offices that exist, right? 19 A. Yes, sir. 20 Q. And on top of that, there would be, in many 21 cases, the significant distance to travel even to get to 22 the driver's license offices that exist, right? 23 A. Exactly. And all that is exacerbated by the 24 fact that those that are working would have to take off 25 time from work, and to make a trip like that isn't --</p>	87
<p>1 Q. So to make those trips to get things like 2 clothing for their kids, if they make it, they have to 3 have a car to make it; is that right? 4 A. Well, if they have a vehicle. Many of my 5 constituents, particularly the ones along the border 6 share a vehicle, and they have to coordinate with other 7 family members or friends. I know, specifically, 8 families that will do that, and they will come up. 9 Usually, they'll come to San Antonio or they'll go to 10 the outlet malls in San Marcos, try to buy as many 11 clothes as they can afford, and then they go back home. 12 Q. Is it common for people in the rural areas of 13 your district to have to drive a long way to get to a 14 hospital? 15 A. Yes, sir. I mean, depending on what type of 16 hospital you're speaking of, of course. Particularly 17 our veterans. 18 Q. Uh-huh. For -- for basic, say, kind of basic 19 emergency room care, can you think of towns where people 20 would have to drive more than 30 minutes if they wanted 21 to get to an emergency room? 22 A. If you're out in West Texas, you have a wreck 23 along the highway, it's going to take you more than 30 24 minutes to get to a hospital. God forbid you're in an 25 accident out there. And that goes for any Texan, but</p>	86	<p>1 you know, an hour early off of work, it's -- sometimes 2 it's a whole day. 3 Q. In those circumstances that we were just 4 talking about that might make it difficult for somebody 5 to get a photo ID if they didn't have one, is it your 6 contention that those would disproportionately affect 7 Hispanic or African American voters in your district? 8 A. Absolutely. 9 Q. And why is that? 10 A. 75 percent of my district are either African 11 American or Hispanic. 12 Q. I see. Is it your contention that in your 13 district, if a Hispanic voter and Anglo voter lived in 14 the same place or same town, that the requirement and 15 burdens of getting a photo ID would affect them 16 differently? 17 A. Perhaps. 18 Q. Well -- I'm sorry. Why would that be? 19 A. Well, I think when you look at the demographics 20 of the district coupled with the economic status of 21 Hispanics, African Americans versus Anglos, you will see 22 there's a difference, obviously. And so I think it's 23 more cumbersome upon the Hispanics and the African 24 Americans, particularly in my district, because they 25 tend to be poorer. They tend to be more indigent, out</p>	88



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<p>1 of work. The unemployment rates are much higher for 2 Hispanics and African Americans than Anglos, not only in 3 my district but in Texas.</p> <p>4 Q. So then it's your understanding that a photo ID 5 requirement like that in SB 14 would disproportionately 6 impact Hispanic and African American voters in your 7 district because they would be more likely to be 8 indigent?</p> <p>9 A. Correct. So many of them don't own vehicles 10 and many of them don't drive, and therefore, they don't 11 have a driver's license.</p> <p>12 Q. Other than a higher incidence of poverty among 13 Hispanics and African Americans as compared to Anglos, 14 is there any other reason that you're aware of that a 15 photo ID requirement would have a greater impact on 16 Hispanic and African American voters?</p> <p>17 A. Other than what? What was the question?</p> <p>18 Q. Other than the higher incidence of poverty.</p> <p>19 A. Well, I know that -- I'm sure there are other 20 reasons, as well, besides poverty. There's also the 21 geographical distance that we've spoken about, one. I 22 there's an issue of them being educated to understand 23 this bill, the effects of this bill, the requirements of 24 this bill. Many of my constituents don't realize that 25 if this bill takes effect or when this bill takes effect</p>	89	<p>1 individuals who did not have the required ID because 2 they would not be allowed to vote, right?</p> <p>3 A. Correct.</p> <p>4 Q. Other than preventing people without IDs from 5 voting, how -- how specifically would SB 14 6 disenfranchise or prevent people from voting?</p> <p>7 A. Ask that again, please.</p> <p>8 Q. Sure. Other than preventing people without an 9 ID from voting, how would SB 14 specifically prevent 10 people from voting?</p> <p>11 A. Well, if they don't have their ID to vote, they 12 can't vote. I don't know of any other way to prevent 13 them. The bill is already preventing them if they don't 14 have an ID from voting. And it's not giving them any 15 exceptions to the rule, any hardship exceptions, any 16 grandfathering clauses, if you will. Students that have 17 college ID aren't able to vote, perhaps, because they 18 choose not to carry a handgun, yet those that decide to 19 carry a handgun are given a better privilege or more of 20 a privilege to vote. I don't see how that's 21 constitutional. I don't see how that's -- treats every 22 citizen equally and fairly.</p> <p>23 Q. And I guess my question is -- and I understand 24 that, and I appreciate that. But is there anything that 25 SB 14 would do, other than obviously preventing people</p>	91
<p>1 that they can't just show up with their voter -- voter's 2 registration card.</p> <p>3 So there's that huge concern, that they're 4 not going to be informed, and so when they do show up 5 with their voter registration card, like many of my 6 constituents do, they're going to be turned away from 7 the ballot box, and therefore, not be allowed to vote 8 and exercise their constitutional right.</p> <p>9 Q. Do you contend that Senate Bill 14, if 10 implemented, would affect low-income Hispanic voters 11 more than it would affect low-income Anglo voters?</p> <p>12 A. Most likely, yes.</p> <p>13 Q. Why is that?</p> <p>14 A. Again, for the reasons that I stated.</p> <p>15 Historically, we have to look at the history of Texas, 16 and in that regard, it's not something we can be proud 17 of when it comes to civil rights movement. Again, not 18 only for African Americans but with the effect they had 19 on Hispanics. So I think when you look historically at 20 Texas's performance with regard to the voting rights of 21 Hispanics, this bill I believe takes a step backwards.</p> <p>22 And instead of encouraging all voters to vote and 23 assisting all voters to vote, it disenfranchises them.</p> <p>24 Q. So I believe it's been your testimony that SB 25 14, if implemented, would disenfranchise certain</p>	90	<p>1 without an ID from voting, is there anything that SB 14 2 would do specifically that would prevent people from 3 voting?</p> <p>4 A. Well, and I think I touched on this earlier to 5 one of your questions, I think the information, or lack 6 thereof, of this bill, will have unintended -- or intended 7 consequences of discouraging folks from voting if they 8 get misinformation about this bill. And they're advised 9 that they need a particular ID, they may not know and 10 they may think they can bring their birth certificate, 11 for example, which is not going to suffice, according to 12 this bill.</p> <p>13 So I think it's -- but there are other 14 ways that this bill is going to prevent bill folks from 15 voting, particularly, my constituents, keep it in mind, 16 many of them speak Spanish, as well. So I think the -- 17 there are side effects, if you will, of this bill that 18 are going to prevent constituents -- my constituents 19 from voting.</p> <p>20 Q. Okay. So people, one, they might not have the 21 ID in the first place, right?</p> <p>22 A. Correct.</p> <p>23 Q. And they also just might not be aware that they 24 need to have the ID, right?</p> <p>25 A. Correct.</p>	92



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<p>1 Q. Are there --</p> <p>2 A. And they may be given wrong information,</p> <p>3 inadequate information, as well. They may be Spanish</p> <p>4 speakers, so they may not understand whatever</p> <p>5 information is given to them in English. I don't know</p> <p>6 what information has been provided to them, but if any,</p> <p>7 it's been very little.</p> <p>8 Q. Is there any other specific impact that you can</p> <p>9 think of that SB 14 would have on voters?</p> <p>10 A. Well, I would think that's the most serious</p> <p>11 impact preventing them or disenfranchising them from</p> <p>12 voting.</p> <p>13 Q. Do you believe that SB 14, if it were</p> <p>14 implemented, would have a different impact on a Latino</p> <p>15 voter and an Anglo voter who were in the same location</p> <p>16 and at the same socioeconomic level?</p> <p>17 A. I believe that it could.</p> <p>18 Q. How do you think it could?</p> <p>19 A. Well, if they're a Spanish speaker, for</p> <p>20 example, depending on the information provided to them,</p> <p>21 and there are many Spanish speakers in my district.</p> <p>22 Q. Sure. Other than the potential language</p> <p>23 barrier, can you think of any other reasons that a</p> <p>24 Latino and an Anglo or an African American voter of the</p> <p>25 same location and socioeconomic level might be affected</p>	93	<p>1 It used to be a daily routine for many of them, and now</p> <p>2 it's -- it's a, generally speaking, it's -- it's rare.</p> <p>3 Q. And why specifically is that?</p> <p>4 A. Because of the violence along the border in</p> <p>5 Mexico.</p> <p>6 Q. Do you have a sense of kind of when that</p> <p>7 changed, when people maybe stopped going across the</p> <p>8 border into Mexico as much as they used to?</p> <p>9 A. Over the last three or four years, as the</p> <p>10 violence grew, and -- because I ask my constituents when</p> <p>11 I visit, because I don't go over there, and I ask them.</p> <p>12 And a few years ago, "yeah, we'll go once in a while."</p> <p>13 Couple of years ago, "Well, I'll go visit family or</p> <p>14 friends." And now it's most of the responses are they</p> <p>15 don't go over.</p> <p>16 Q. Do many of your constituents who live on the</p> <p>17 border, they cross over into Mexico to work every day?</p> <p>18 A. No. A small number.</p> <p>19 Q. A small number?</p> <p>20 A. (Witness nods head yes.)</p> <p>21 Q. If someone were to cross the border frequently,</p> <p>22 they would need a passport, right?</p> <p>23 A. I'm assuming. I don't know if they could use a</p> <p>24 visa. I really don't know. Again, I don't really go</p> <p>25 into Mexico.</p>	95
<p>1 differently by SB 14?</p> <p>2 A. Perhaps. But again, I think we have to look</p> <p>3 historically at the turnout for Anglos versus Hispanics</p> <p>4 versus African Americans already, and then to -- add</p> <p>5 this bill to the mix, this bill doesn't do anything to</p> <p>6 encourage any of them to vote in greater numbers.</p> <p>7 So I think if, again, in my opinion, I</p> <p>8 will submit to you, that it will discourage them,</p> <p>9 disenfranchise them or prevent them. Because it's not</p> <p>10 doing -- there's not one thing in this bill, there's not</p> <p>11 one thing in this bill that encourages those voters to</p> <p>12 vote or assists them in voting. Because in fact, it</p> <p>13 puts one more burden in their way. And that -- and so I</p> <p>14 would say that would be my response.</p> <p>15 Q. You said your district includes a very long</p> <p>16 stretch of the Texas-Mexico border; is that right?</p> <p>17 A. Yes, sir. Two-thirds of the Texas-Mexico</p> <p>18 border, from Eagle Pass to El Paso.</p> <p>19 Q. Is it your understanding that many people who</p> <p>20 live in towns on the Texas-Mexico border cross back and</p> <p>21 forth frequently between Texas and Mexico?</p> <p>22 A. I believe that used to be the case. I don't</p> <p>23 think it's as often given the situation in Mexico along</p> <p>24 the border towns as it used to be. In fact, I know that</p> <p>25 many of constituents don't do as much as they used to.</p>	94	<p>1 Q. To your knowledge, is it -- is it more likely</p> <p>2 that someone living on the border would have a passport</p> <p>3 as opposed to somebody who lives in, say, North Texas or</p> <p>4 somewhere far from the border?</p> <p>5 A. No. Again, from what I recall, if you're just</p> <p>6 crossing over into Mexico, they don't even check for</p> <p>7 your ID. But again, I haven't been in Mexico in a</p> <p>8 decade, I suppose, so I don't know.</p> <p>9 Q. Okay. If you found out, if it were proven to</p> <p>10 you that there were no disparity in ID possession</p> <p>11 between minority voters and nonminority voters in Texas,</p> <p>12 would you support Senate Bill 14?</p> <p>13 A. Ask your question again, please.</p> <p>14 Q. Of course. I'll preface it by saying I</p> <p>15 understand that it is not your contention that there's</p> <p>16 no disparity in photo ID possession, but if there were</p> <p>17 evidence that there was no disparity in photo ID</p> <p>18 possession between voter and nonminority voters in</p> <p>19 Texas, would you support SB 14?</p> <p>20 A. No.</p> <p>21 Q. Why not?</p> <p>22 A. Because this bill does nothing to encourage or</p> <p>23 assist my constituents to vote. It doesn't have same-</p> <p>24 day voter registration, for example. It doesn't allow</p> <p>25 college kids with IDs to vote. You know, there are so</p>	96



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<p>1 many reasons. But the bill doesn't do anything to 2 encourage people from -- encourage people to vote or 3 assist them to vote. 4 It has, instead, it still would present 5 some of my constituents from voting. So notwithstanding 6 what you said is true, it would still prevent some of my 7 constituents from voting or disenfranchise them. 8 Q. So if I understand you correctly, you're saying 9 that SB 14 would still disenfranchise, prevent from 10 voting some of your constituents even if they had the 11 required ID? 12 A. That's not what you asked me though. 13 Q. Oh, okay, then I'm misunderstanding you. Are 14 you saying that SB 14 would prevent some of your 15 constituents from voting even if they had the required 16 ID? 17 A. Well, of course not. I mean, if they had the 18 required ID, I mean, it may disenfranchise some of them, 19 but that's not what I understood you to ask. I don't 20 think -- I didn't understand that to be your question. 21 I thought what you asked me was assuming that -- that 22 all of my constituents had a photo ID at the same 23 level. I thought that was your question. 24 Q. That makes sense. I understand. 25 A. And my answer was no, because for those that</p>	97	<p>1 again, that I'm an American citizen, and God forbid that 2 my driver's license is expired because I'm in session 3 and I'm not able to go and get a new driver's license, 4 that I show up with my voter registration card valid. 5 My driver's license is expired because I've been serving 6 in session or a special session. I can't use my 7 military ID card because it doesn't have a photograph on 8 it. I don't have a certification of U.S. citizenship, 9 whatever that means, nor do I have a concealed handgun 10 permit, that I would not be allowed to vote. 11 Q. If there were evidence that minority voters in 12 Texas were not less likely than other voters to have the 13 ID required by SB 14, would you still contend that SB 14 14 had a discriminatory effect? 15 A. Can you ask that question again? 16 Q. Of course. If there were evidence that 17 minority voters in Texas were no less likely than other 18 voters to have the required identification, would you 19 still contend that SB 14 had a discriminatory effect? 20 MR. GARZA: Objection, asked and answered. 21 MR. GEAR: Also, the same objection, calls 22 for speculation. 23 A. Well, yeah, I don't see how my answer is any 24 different than -- you're just rephrasing it, the 25 question differently, but given all of the -- you know,</p>	99
<p>1 don't, it still has those conditions on there and does 2 nothing to assist them or encourage them to vote. 3 Q. So even if the level of ID possession were the 4 same, there would still be some people who would not be 5 able to vote under SB 14. 6 A. Yes, sir, because nothing changes. That's 7 still the largest district in the universe. I mean, it 8 -- we still have two-thirds of -- or two-thirds of 9 Texas-Mexico border, still have the indigency rates, 10 poverty rate, none of that changes. 11 Q. Uh-huh. Is it your contention that SB 14, if 12 it were implemented, would disenfranchise voters who did 13 have the required ID? 14 A. I believe that it could have some effect, yes. 15 Q. How would SB 14 disenfranchise a voter who had 16 the required ID? 17 A. Well, I think it could because you have many 18 folks, like myself, that have served our country, and we 19 did that so we could, for one reason, exercise our 20 constitutional right, probably one of our greatest 21 constitutional rights, which is to vote. And I 22 shouldn't have to prove my citizenship after serving my 23 country, notwithstanding that I was born in San Antonio, 24 Texas, served my country proudly. My son is a Marine. 25 My father served in Korea. That I must show, once</p>	98	<p>1 the scenarios I already presented to you, Counsel, about 2 my district, the demographics of the district, we're 3 talking about the third poorest district in Texas. 4 You can't forget the history of Texas, 5 which is the reason why we have the Voting Rights Act. 6 The civil rights movement for not only the African 7 Americans but also Hispanics that were discriminated 8 against for years and years and years. I mean, I can 9 get into all of that, if you want to, Counselor. Where 10 I was discriminated. Where I was called a "Wetback" in 11 the United States Marine Corps, as an officer, as a 12 captain in the United States Marine Corps. Being called 13 a "Wetback" by other officers in the Marine Corps, that 14 was in 1988. So we can't forget that. 15 And I think it's real simple in this 16 deposition to do that, and with this bill, to look past 17 that. And I remember a comment by one of the senators 18 when all the senators got up and talked about different 19 situations that affected us, that that member commented, 20 "Well, all those things have happened in the past." 21 Well, of course, they did. That's what history is 22 about. And that's why we brought it to the forefront to 23 remind our colleagues that may not have experienced that 24 before, and obviously hadn't. 25 But this will have that effect. So even</p>	100



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<p>1 if the evidence did present that, which it doesn't, you 2 know, would disagree with it, as you talked about 3 earlier, one of your questions, if my colleagues 4 disagreed with me, I would disagree with that, because 5 it would still have that effect, and all you have to do 6 is look at history. 7 (By Mr. Frederick) I understand that, and I 8 appreciate that. And I guess my question, I'm trying to 9 ask it, a narrower question. I understand, and I 10 appreciate that there is a historical background that 11 affects how a lot of Texans feel about voting and 12 whether they're likely to vote and may be discouraged 13 from voting. 14 My question is: How is it -- let me 15 rephrase. 16 Senate Bill 14, on its face, says that any 17 voter in Texas must be present a certain ID to cast a 18 ballot, correct? 19 A. Correct. 20 Q. It doesn't say that African American voters 21 must require specific ID but everybody else can just 22 show up with their voter registration card, right? 23 A. Correct. 24 Q. So it doesn't extinguish between races or 25 ethnicities of Texas voters on its face; is that right?</p>	101	<p>1 my district as well as I think I do, as I know I do, 2 that many of my constituents, primarily Hispanic and 3 African American, are going to be either discouraged or 4 disenfranchised from going to the polls because there's 5 nothing in this bill that assists them or encourages 6 them to go vote. 7 So they may, again, going back to one of 8 my previous questions -- or answers rather, have 9 disinformation, wrong information, bad information, 10 about what this bill requires. And if they believe they 11 have to have a concealed handgun license, for example, 12 and say, "Well, heck, I don't have a concealed handgun 13 license, so I guess I can't vote." See, that's part of 14 the problem. 15 It's not -- it's those consequences, those 16 side effects of this bill that we're -- I'm trying to 17 get across, and maybe I'm not doing as good a job as I 18 need to be or should be, but that's what you have to 19 factor in, coupled with the history of Texas when it 20 comes to voting. 21 Q. Thank you. I think that helps me understand. 22 So as I understand what you just said, it's even if 23 somebody had the ID, it's possible, as you understand 24 your district, that if somebody had bad information 25 about what the bill did, they might think that the bill</p>	103
<p>1 A. On its face it doesn't, but the effect does. 2 Q. And obviously, as we've been talking about, if 3 somebody doesn't have the ID that's required by SB 14, 4 SB 14 will prevent that person from casting an in-person 5 ballot, right? 6 A. Yes, sir. 7 Q. What I'm trying to understand is how SB 14 and 8 the photo ID requirement would prevent any individual 9 who had the required ID from voting? 10 A. Well, generally speaking, if they had the ID 11 and it was a valid driver's license -- 12 Q. Right. 13 A. -- that's part of the problem. But if they had 14 a valid driver's license with a photo ID, and assuming 15 they weren't discouraged or disenfranchised by the bill, 16 you see, that's the second piece to it. On its face, 17 you can dot the Is. They show up. They vote. They 18 have the ID -- proper document, ID, they can vote. 19 But you have to understand, that's what I 20 was trying to get at, the history, though, of Texas, 21 when it comes to Hispanics and African Americans being 22 discriminated against, knowing that there's this new 23 bill out there, there's this new requirement out there, 24 once word gets out, assuming it gets out, which is 25 another problem, it's my belief and my opinion, knowing</p>	102	<p>1 required something more than it actually does; is that 2 right? 3 A. That could be -- that's definitely one of the 4 situations that could apply. 5 Q. So if somebody might, for example, if they hear 6 that SB 14 requires five forms of identification, and 7 nobody explained that it only actually requires one of 8 five, they might -- if they just heard five forms of 9 identification, they might think, well, to vote, I have 10 to have every single one of those. 11 A. Exactly. And to be frank, I had to read the 12 bill to remind myself what those criteria were, because 13 I couldn't remember them. 14 Q. Okay. Well, that's helpful. So there, on the 15 one hand, you've got the obvious fact that if you do not 16 have one of the required IDs, you will not be allowed to 17 cast an in-person ballot? 18 A. Yes, sir. 19 Q. And then as I understand it, the second kind of 20 different effect would be that if -- if there is 21 inaccurate or bad information about the bill, that might 22 discourage somebody from voting, even if they did have 23 an ID that would in fact qualify them to vote under SB 24 14, right? 25 A. Yes. But also, not only if they had bad</p>	104



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1 information, but if they never get the information. You 2 see, that's an important component to it, as well. 3 Q. Right. So there's an ID problem, if you don't 4 have the ID, and then there's an information problem, 5 that even if you have an ID, you may have no information 6 or bad information, right? 7 A. Yes, sir. 8 Q. And when you talk about the history and the -- 9 you know, the discrimination that nobody would dispute 10 has gone on in the past in Texas and may or may not be 11 continuing, I don't -- I'm not trying to argue that 12 point, but the history of discrimination. As you 13 understand the potential effect of SB 14, is the history 14 and its effect, is that contained in kind of the 15 information and how people will receive information 16 about the bill, or does it have an independent effect on 17 people's voting? 18 A. I don't think I understand your question. 19 Q. You've testified that the history of 20 discrimination in Texas against Latino and African 21 American voters could possibly have an effect on 22 people's voting behavior today. 23 A. Correct. 24 Q. And we've talked about the information problems 25 where you have a new bill that imposes new requirements	105	1 voting? My answer would be yes. Now you throw in the 2 history of Texas when it comes to voting, I think this 3 just exacerbates the situation. I don't know if that 4 answers your question. 5 Q. (By Mr. Frederick) It does. That's 6 helpful. So is it your contention that because of the 7 history of discrimination with regard to voting, that 8 Hispanic and African American voters are -- are less 9 likely to vote generally, and so, therefore, more likely 10 to be discouraged by any new limitation on voting? 11 A. Generally, yes. 12 Q. Okay. 13 A. If you put a limitation on the voting, 14 absolutely. 15 Q. Now, if it were shown that minority voters in 16 Texas were no less likely to have the required 17 identification, would you -- would it still be your 18 belief that SB 14 would have a racially discriminatory 19 effect on minority voters? 20 A. I thought you asked me that question. 21 MR. GARZA: You did. Objection, asked and 22 answered. 23 Q. (By Mr. Frederick) I tried to -- I wasn't sure 24 if I asked it clearly. 25 A. Sure. Yes. That's what I thought we were	107
1 for voting, and in your district, in particular, there's 2 a concern that accurate information or information, 3 period, may just not get to people to let them know that 4 they can still vote, right? 5 A. Yes, that they can still vote, but even 6 information to inform them that they have to meet one of 7 those five criteria. 8 Q. Right. Right. And what I'm trying to -- what 9 I'm trying to get a sense of is how -- how the history 10 of discrimination kind of fits with SB 14. In thinking 11 about what effect the bill might have, and so I 12 understand that there's a history of discrimination that 13 could have an effect on people voting, and I understand 14 that, you know, there's this new bill that many people 15 argue will have a negative effect on people voting. 16 I guess a general question that I'm trying 17 to kind of get at is: Are those independent things or 18 do they -- does SB 14 work with -- does SB 14 work with 19 the history to kind of create an additional effect? 20 MR. GEAR: Objection, vague. 21 A. Perhaps -- I will try to answer it this way: 22 Forget the Voting Rights Act. Forget the history of 23 Texas. Let's just assume everything was great 24 beforehand. Would SB 14 prevent African Americans and 25 Hispanics in my district or disenfranchise them from	106	1 struggling with answering, but maybe I didn't -- 2 Q. I think we were -- I think what I had left out 3 of the previous question was racially discriminatory. I 4 think I just said "discriminatory effect." And I wanted 5 to be clear, because I -- we've been talking about 6 poverty, location, a lot of different things. 7 A. Yes, sir. My answer would be yes. 8 MR. FREDERICK: Can we go off the record 9 for just one second. 10 (Recess from 12:41 p.m. to 12:48 p.m.) 11 Q. (BY MR. FREDERICK) Senator Uresti, have you 12 discussed this lawsuit with anyone other than your 13 lawyer for the Department of Justice? 14 A. No, sir. 15 Q. You haven't discussed this lawsuit with any of 16 the parties to the suit? 17 A. I'm not even familiar with who the parties are 18 exactly. No, sir. 19 Q. Has anyone asked you to provide testimony, 20 other than the declaration you provided, in this 21 lawsuit? 22 A. No, sir. 23 Q. I want to touch briefly on legislative 24 procedure. Can you tell me in the Senate, what is a 25 House Bill Day?	108



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1 A. I'm not as familiar with that procedure -- 2 probably should be -- but I believe it's a bill -- a 3 day, rather, when the Senate holds off on taking up 4 Senate bills, and we take up House bills for the day, to 5 try to move their bills along, and the House is supposed 6 to do the same with Senate bills, the noncontroversial 7 bills, et cetera. 8 Q. Okay. To your knowledge, is there a specific 9 -- scratch that. 10 How is the order of business determined on 11 House Bill Day? 12 A. I'm not too sure. 13 Q. When a House bill is considered by the Senate 14 on a House Bill Day, is there a two-thirds vote required 15 to bring that House bill to the Floor? 16 A. I believe the blocker bill still applies, but 17 I'm not too sure. 18 Q. You were a member of the House, correct? 19 A. Yes. 20 Q. Do you know what chubbing is? 21 A. Yes, I do. I never chubbed a day that I was in 22 the House. 23 Q. Okay. In your understanding, what is the 24 purpose of chubbing in the House? 25 A. I suppose you could chubb a bill in the House	109	1 A. Or object to policies that are not favored by a 2 constituent. 3 Q. Fair enough. So generally to pursue policies 4 consistent with the policies favored by one's 5 constituents, right? 6 A. Or -- or to prevent policies that are not 7 favored by your constituents. I mean, it works both 8 ways regardless of who the legislator is. 9 Q. Right. So to favor policies that your 10 constituents favor and oppose policies that your 11 constituents oppose is a duty of a legislator? 12 A. Yes, sir. 13 Q. Okay. And would you agree that it's 14 politically rational for an elected official to vote for 15 policies that are favored by his or her constituents? 16 A. Yes. 17 Q. Would you agree that there is nothing wrong 18 with a legislator voting for policies favored by his or 19 her constituents? 20 A. Nothing wrong it? I might disagree with them, 21 if that's what -- I don't know if that's what you're 22 asking or not. But a legislator can vote any way they 23 choose to vote. 24 Q. Do you have any basis to dispute that a photo 25 voter ID requirement for voting is supported by a	111
1 for a couple of reasons, perhaps to convince the author 2 of the bill to take an amendment to the bill that she or 3 he otherwise might not necessarily care to do. 4 You chubb a bill if you want to delay 5 other bills for further consideration. You either can 6 put it off to the next day, to kill a bill, to give you 7 time to prepare another amendment. There's -- there's 8 many different reasons why you could chubb a bill. 9 Q. But among the reasons for chubbing would 10 include either slowing down or killing a particular 11 bill, right? 12 A. Generally, yes. 13 Q. Do you believe that chubbing is a legitimate 14 means to kill a bill? 15 A. It's a procedure that is allowed to House 16 members, so I believe so. 17 Q. Would you agree that members of the Texas 18 Senate have a duty to represent their constituents? 19 A. Absolutely. 20 Q. Would you agree that an elected official's most 21 important duty is to represent his or her constituents? 22 A. Of course. 23 Q. And would you agree that part of that duty is 24 to enact policies that are favored by one's 25 constituents?	110	1 majority of voters in Texas? 2 A. I'm sorry. Ask your question again. 3 Q. Sure. Do you have any basis to dispute that 4 voter ID requirements are supported by a majority of 5 voters in Texas? 6 A. Well, I guess you'd have to define voter ID 7 requirements, because when I talk to my constituents 8 about voter ID requirements, at least what's in this 9 bill, a majority of them oppose it. So I guess you'd 10 have to start off by defining what voter ID requirements 11 means. 12 Q. When I say voter ID requirements, I refer to a 13 requirement that a voter show photo identification in 14 order to cast a ballot, similar to what SB 14 requires. 15 A. Correct. 16 Q. Do you have any basis to dispute that voter ID, 17 as I have just defined it, is supported by a majority of 18 voters in the state as a whole? 19 A. Yes. 20 Q. You do have a basis to dispute that? 21 A. Yes. 22 Q. What is that basis? 23 A. Talking to my constituents about the 24 requirements, not only of presenting a photo ID, but in 25 obtaining a photo ID. And I think that's the second	112



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<p>1 important piece to that, to your question.</p> <p>2 Q. Okay. So as far as your constituents are</p> <p>3 concerned, people in your senate district, you would not</p> <p>4 agree that most of your constituents support voter ID as</p> <p>5 I have defined it, right?</p> <p>6 A. No, sir, I would not agree with that.</p> <p>7 Q. Okay. Statewide, do you have any basis to</p> <p>8 dispute that looking at every voter in Texas, the</p> <p>9 majority of voters in Texas support voter ID?</p> <p>10 A. I wouldn't know.</p> <p>11 Q. Do you have any basis to dispute that each</p> <p>12 legislator that voted for SB 14, the majority of their</p> <p>13 constituents supported voter ID?</p> <p>14 A. I don't know that.</p> <p>15 Q. Would you agree that it's a legitimate reason</p> <p>16 to vote in favor of a bill that an overwhelming majority</p> <p>17 of your constituents wanted to see that bill pass?</p> <p>18 A. No, not necessarily. I don't -- I don't always</p> <p>19 vote a certain way simply because a majority may feel a</p> <p>20 certain way. And I don't think the legislature works</p> <p>21 that way, because we would have funded education where</p> <p>22 we wouldn't have cut \$5 million out of education last</p> <p>23 session, even though a majority the Texans believe we</p> <p>24 should fund education. So I don't agree with that.</p> <p>25 Q. Can you think of any instance -- and you may</p>	113	<p>1 best -- to my best ability.</p> <p>2 Q. Do you believe that a legislator -- do you</p> <p>3 believe that it's legitimate for a legislator to vote in</p> <p>4 favor of a bill solely because the overwhelming number</p> <p>5 of his constituents supports that bill, regardless of</p> <p>6 whether the legislator themselves believes in the bill?</p> <p>7 A. Can't you ask it again, please?</p> <p>8 Q. Of course. Do you believe it would be</p> <p>9 legitimate for a legislator to vote in favor of a bill</p> <p>10 solely because the majority of his constituents strongly</p> <p>11 supported that bill?</p> <p>12 A. Sure, I suppose so.</p> <p>13 MR. FREDERICK: I have no further</p> <p>14 questions. I pass the witness.</p> <p>15 MR. GARZA: I have just a few questions to</p> <p>16 clarify the record.</p> <p>17 EXAMINATION.</p> <p>18 BY MR. GARZA:</p> <p>19 Q. Senator, counsel for the state asked you a</p> <p>20 number of questions about whether it's legitimate for a</p> <p>21 legislator to vote for a measure because there is</p> <p>22 popular support for that measure. Would you agree with</p> <p>23 me that in circumstances where that particular piece</p> <p>24 of legislation discriminates against a distinct</p> <p>25 minority, even if that legislation is overwhelmingly</p>	115
<p>1 have just referred to one. Can you think of any</p> <p>2 specific instance where you have voted against a bill,</p> <p>3 even though an overwhelming number of your constituents</p> <p>4 wanted to see that bill pass?</p> <p>5 A. I can't think of an instance. I'm not saying</p> <p>6 there aren't any, but I can't think of any instance. I</p> <p>7 was giving the example of the legislature as a whole, if</p> <p>8 you were looking at polls -- which I don't do, but it</p> <p>9 sounds like that's what you are basing some of your</p> <p>10 questions off of -- a majority of Texans believe we</p> <p>11 should fund education, and the legislature didn't vote</p> <p>12 that way.</p> <p>13 Q. Right.</p> <p>14 A. In fact, we voted the opposite.</p> <p>15 Q. Well, that's a good example. In that instance,</p> <p>16 in school funding, do you believe that it would have</p> <p>17 been legitimate for a representative or a senator to</p> <p>18 vote in favor of school funding or educational funding</p> <p>19 because the majority of his constituents wanted that to</p> <p>20 happen?</p> <p>21 A. Well, I think that would be one reason. I</p> <p>22 would think that the other reason would be because</p> <p>23 that's what they believed in. It's what they</p> <p>24 supported. And that's how I vote. That's what I</p> <p>25 believe in, and I try to represent my district to the</p>	114	<p>1 supported by his or her constituents, the legislator</p> <p>2 would have an obligation to examine that legislation to</p> <p>3 ensure himself that it's constitutional and that it</p> <p>4 doesn't violate Civil Rights statutes?</p> <p>5 A. Absolutely. And I would assume that that would</p> <p>6 be the case on any bills like that.</p> <p>7 Q. And in the history of the Texas legislature, in</p> <p>8 fact, there are instances where you can look to</p> <p>9 legislators using instruments, such as a filibuster, to</p> <p>10 prevent discriminatory -- or to attempt to prevent</p> <p>11 discriminatory legislation from proceeding?</p> <p>12 A. Absolutely. If I recall, Henry B. Gonzalez did</p> <p>13 that quite effectively.</p> <p>14 Q. In fact, he did that in 1957, so-called</p> <p>15 segregation session?</p> <p>16 A. Yes, sir.</p> <p>17 Q. He made part of his reputation as a result of</p> <p>18 that filibuster; isn't that correct?</p> <p>19 A. Yes, sir. It was before I was born, but I</p> <p>20 recall.</p> <p>21 Q. Yes, you're too young to remember this. I was</p> <p>22 seven, but --</p> <p>23 A. Yes, sir.</p> <p>24 Q. -- you're much too young to remember that.</p> <p>25 So there are instances, then, where a</p>	116



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<p>1 legislator should oppose legislation that even if it's 2 overwhelmingly popular? 3 A. It takes a legislator with courage to do that, 4 yes. 5 Q. Now, you went over a number of characteristics 6 of your district that are -- present unique obstacles 7 because of the voter ID bill or the photo ID bill to 8 your constituents. Isn't it true that in your district, 9 because of the demography and because of the 10 socioeconomic status of the district and of your 11 constituents, that there is a higher incidence of people 12 driving without insurance than in other parts of the 13 state? 14 A. Absolutely. 15 Q. And isn't there a fairly substantial incidence 16 of drivers' license suspensions because people are 17 driving without insurance? 18 A. Yes, sir. 19 Q. Okay. That would be -- that would cause an 20 otherwise eligible person who is eligible to vote to 21 have additional difficulties in securing the IDs that 22 are required by SB 14? 23 A. Yes, sir. 24 Q. And the last area that I wanted to just touch 25 on briefly: You were asked a number of questions</p>	<p>117</p> <p>1 questions. 2 EXAMINATION 3 BY MR. GEAR: 4 Q. Turning back to the potential obstacles in your 5 district that you have testified about, regarding 6 poverty in your district, do you know the -- generally, 7 what the percentages of poverty rates are for minorities 8 within your district? 9 A. I don't know them offhand, but I do know that 10 they are higher than the Anglos in my district. Again, 11 keeping in mind, 75 percent of my district is either 12 African American or Hispanic, mostly Hispanic, that 13 average per capita income of my district is around 14 \$12,500 per year, and again, it's the third poorest 15 senatorial district in the state of Texas. 16 Q. Do you know the unemployment rates in your 17 district? 18 A. I don't know them offhand. 19 Q. And do you know if minorities are more or less 20 likely to be unemployed within your district? 21 A. They are more likely to be unemployed. 22 Q. Do you know if minorities are more or less 23 likely to own a car within your district? 24 A. Less likely. 25 Q. Are there communities in your district that</p>
<p>1 regarding individual legislators and their intent in the 2 manner in which they voted on SB 14. And as I 3 understood your question or your answer, one of the 4 things that you looked at was that you felt that the 5 foreseeable consequences of SB 14 were fairly obvious? 6 A. Yes, sir. 7 Q. And that your colleagues were aware of the 8 foreseeable consequences of SB 14 on minority voters? 9 A. Yes, sir. 10 Q. And that one of the things that informed your 11 opinion about the intent of the legislation was that in 12 spite of that foreseeable consequence, those legislators 13 voted for the bill? 14 A. Yes, sir. 15 Q. Okay. You weren't attempting to make a broad 16 assessment of the intent, as the courts have made, about 17 the sorts of circumstantial evidence that could prove 18 intent in your answer; is that correct? 19 A. No, sir. 20 Q. You didn't look at all of the different factors 21 that a court would look at to gauge intent in your 22 answer today? 23 A. Of course not. 24 Q. Okay. 25 MR. GARZA: I don't have any further</p>	<p>118</p> <p>120</p> <p>1 have no public transportation available? 2 A. There is several. 3 Q. Do you know the names of those communities, the 4 cities? 5 A. Presidio, for example, which is out in West 6 Texas. And again, when you ask that question, I guess 7 we'd have to define what that means, because in 8 San Antonio we have quite an impressive infrastructure 9 with regard to bussing, but in Eagle Pass, that doesn't 10 exist, and in Del Rio, in Uvalde, in Brackettville, in 11 Lyle, Italia, and I could go on and on. 12 Q. You talked about your testimony on the Floor 13 regarding the burden that would be imposed on minority 14 voters. Do you recall that testimony during your 15 deposition? 16 A. Yes, sir. 17 Q. Do you have any memory as to how the supporters 18 of SB 14 responded to your testimony? 19 A. They voted to pass the bill. 20 Q. And there was some testimony about you being 21 out sick. I believe that's reflected in your 22 declaration. Was it generally known how you would vote 23 on HB 218? 24 A. There was no question that folks knew how I 25 would vote, and there was no question that my colleagues</p>



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<p>1 knew I was sick. And the day before, when some of them 2 encouraged me to go home, I would not go home because of 3 that purpose, and they kidded about it and say, "Don't 4 worry, it's not like we're going to bring up the voter 5 ID bill while you're gone." Of course they did. But 6 I'll never make that same mistake again.</p> <p>7 Q. And you voted against the bill?</p> <p>8 A. Yes, sir.</p> <p>9 Q. And I'm talking about 218.</p> <p>10 A. Yes, sir.</p> <p>11 Q. And just so I'm clear, was 218 calendared for 12 discussion the day it was brought up?</p> <p>13 A. Well, again, our calendaring system is 14 different than in the House, so from what I recall -- 15 and it's been, gosh, five years -- I believe it was on 16 one of the calendars, but I don't remember which one.</p> <p>17 Q. Okay. Are you aware of any amendments to SB 14 18 that, if passed, would have produced a discriminatory 19 effect on voters?</p> <p>20 A. I believe there were several amendments.</p> <p>21 Q. Can you tell me about those generally?</p> <p>22 A. I'd be guessing. I believe there was -- I 23 really would be guessing. Same day registration, for 24 example. Over 65, et cetera. I don't recall them 25 exactly.</p>	<p>1 testified that the bill would not have a disparate or a 2 discriminatory effect on minority voters?</p> <p>3 A. I believe so.</p> <p>4 Q. So is it possible that members would voted in 5 favor of Senate Bill 14 simply disagreed with the 6 testimony by individuals and groups and legislators who 7 said that there would be a discriminatory impact?</p> <p>8 A. Oh, it's possible, but from what I recall, the 9 groups that testified in favor of the bill didn't 10 represent Hispanic communities or African American 11 communities. I mean, you didn't have the NAACP coming 12 in supporting the bill. You didn't have LULAC coming in 13 supporting the bill or MALDEF coming in and supporting 14 the bill. So those that supported bill weren't groups 15 that represented, you know, the Hispanic or African 16 American communities.</p> <p>17 Q. Was it your testimony that the only persons who 18 are qualified to testify about the impact of a bill on 19 minorities are specific minority groups?</p> <p>20 A. Absolutely not.</p> <p>21 Q. Okay. So it would be possible, then, for a 22 legislator, based on all of the testimony on either side 23 of an issue, to believe one side over the other, right?</p> <p>24 A. Of course.</p> <p>25 Q. So if they -- if a member of the Texas</p>
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<p>1 Q. All right. So you -- I think you made it very 2 clear that your position is that SB 14 will have a 3 discriminatory effect, in your understanding, on 4 minority voters in Texas, right?</p> <p>5 A. Yes, sir.</p> <p>6 Q. But do you contend that the purpose of SB 14 7 was to discriminate against minority voters in Texas?</p> <p>8 A. I believe the effect, if that's what you're 9 asking of that bill, if it had that effect, my answer is 10 yes.</p> <p>11 Q. Okay. And so my question is: If a legislator 12 -- well, are you -- is it your contention that 13 legislators who supported SB 14 acted with a 14 discriminatory intent toward minority voters in Texas?</p> <p>15 A. I can't answer that question. I don't -- I 16 can't tell you what they were thinking at the time when 17 they developed any particular intent. I mean, it's 18 possible to get into their minds and say why they voted 19 a certain way, based on the questions you asked.</p> <p>20 Q. Okay. So you're not -- it's not your testimony 21 today that any specific member of the Texas legislature 22 supported SB 14 with the intent to discriminate against 23 minority voters?</p> <p>24 MR. GARZA: Objection, asked and 25 answered.</p>	<p>125</p> <p>1 CHANGES AND SIGNATURE 2 RE: TEXAS VS. HOLDER, ET AL 3 PAGE LINE CHANGE REASON 4 _____ 5 _____ 6 _____ 7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____ 13 _____ 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 I, SENATOR CARLOS URESTI, have read the foregoing 21 deposition and hereby affix my signature that same is 22 true and correct, except as noted above. 23 _____ 24 _____ 25 SENATOR CARLOS URESTI</p> <p>127</p>
<p>1 A. No. I'm saying I don't know. There may have 2 been some that did that. There's no way of showing 3 that, and I can't get into their head, and somebody may 4 say, "You're darned right I'm going to vote this way." 5 I don't know that, and so I can't answer you and say 6 yes.</p> <p>7 Q. (BY MR. FREDERICK) Okay. But -- I understand. 8 So as you sit here today, you cannot swear 9 under oath that any specific Texas legislator voted for 10 SB 14 with the intent to discriminate against minority 11 voters?</p> <p>12 MR. GEAR: Objection, asked and answered. 13 A. No. I don't have that knowledge, that any of 14 them did that intentionally. I can't get in to their 15 head and know why they voted a particular way.</p> <p>16 MR. FREDERICK: Thank you. 17 THE REPORTER: Anybody else? 18 (Signature reserved.) 19 (Deposition concluded at 1:15 p.m.)</p> <p>20 21 22 23 24 25</p>	<p>126</p> <p>1 THE STATE OF _____ 2 COUNTY OF _____ 3 4 Before me, _____, on this day 5 personally appeared SENATOR CARLOS URESTI, known to me 6 (or proved to me under oath or 7 through _____ (description of identity 8 card or other document) to be the person whose name is 9 subscribed to the foregoing instrument and acknowledged 10 to me that they executed the same for the purposes and 11 consideration therein expressed. 12 Given under my hand and seal of office 13 this _____ day of _____, 2012. 14 15 16 17 NOTARY PUBLIC IN AND FOR 18 THE STATE OF _____ 19 20 21 22 23 24 25</p> <p>128</p>



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CARLOS URESTI

June 11, 2012

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
3
4 STATE OF TEXAS,)
5 Plaintiff,)
6 VS.)
7 ERIC H. HOLDER, JR. in his)
8 official capacity as Attorney)
9 General of the United States,)
10 Defendant,)
11 ERIC KENNIE, et al,)
12 Defendant-Intervenors,)
13 TEXAS STATE CONFERENCE OF) CASE NO. 1:12-CV-00128
14 NAACP BRANCHES,) (RMC-DST-RLW)
15) Three-Judge Court
16 Defendant-Intervenors,)
17 TEXAS LEAGUE OF YOUNG VOTERS)
18 EDUCATION FUND, et al,)
19 Defendant-Intervenors,)
20 TEXAS LEGISLATIVE BLACK)
21 CAUCUS, et al,)
22 Defendant-Intervenors,)
23 VICTORIA RODRIGUEZ, et al.,)
24 Defendant-Intervenors.
25 REPORTER'S CERTIFICATION
DEPOSITION OF SENATOR CARLOS URESTI
JUNE 11, 2012
I, Chris Carpenter, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:
That the witness, SENATOR CARLOS URESTI, was duly

1 sworn by the officer and that the transcript of the oral
2 deposition is a true record of the testimony given by
3 the witness;
4 That the deposition transcript was submitted on the
5 _____ day of _____, 2012, to the witness or to the
6 attorney for the witness for examination, signature and
7 return to _____, by
8 _____, 2012; and if returned, the original
9 transcript will forwarded to Matthew Frederick, the
10 custodial attorney;
11 That the amount of time used by each party at the
12 deposition is as follows:
13 Mr. Frederick: 4 hours, 3 minutes
Mr. Garza: 5 minutes
14 Mr. Gear: 5 minutes
15 I further certify that I am neither counsel for,
16 related to, nor employed by any of the parties or
17 attorneys in the action in which this proceeding was
18 taken, and further that I am not financially or
19 otherwise interested in the outcome of the action.
20 Certified to by me this 12th day of June, 2012.
21
22

23 Chris Carpenter, Texas CSR 1151
Expiration Date: 12/31/2012
100 Congress Avenue, Suite 2000
24 Austin, TX 78701
(512)328-5557
25 Firm Registration No. 283

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